

Volume 25, Number 4
Pages 353–470
February 15, 2000



Rebecca McDowell Cook
Secretary of State

MISSOURI REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015 and 536.033, RSMo 1994. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

Secretary of State
Rebecca McDowell Cook

Administrative Rules Division
State Information Center
600 W. Main
Jefferson City, MO 65101

EDITORS

BARBARA MCDUGAL

KATHREN CHOATE

•

ASSOCIATE EDITORS

CURTIS W. TREAT

SALLY L. REID

JAMES MCCLURE

•

PUBLISHING STAFF

CARLA HERTZING

SANDY SANDERS

WILBUR Highbarger

TERRIE ARNOLD

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER
Office of the Secretary of State
Administrative Rules Division
P.O. Box 1767
Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the internet. The Register address is <http://mosl.sos.state.mo.us/moreg/moreg.htm> and the CSR is <http://mosl.sos.state.mo.us/csr/csr.htm>. These web sites contain rulemakings and regulations as they appear in the Registers and CSR. These web sites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015, RSMo 1994 and 536.031, RSMo Supp. 1998. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, P.O. Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

PROPOSED RULES

Department of Agriculture	
State Milk Board	357
Department of Economic Development	
Credit Union Commission	360
Missouri Real Estate Commission	360
Department of Elementary and Secondary Education	
Vocational Rehabilitation	367
Department of Natural Resources	
Air Conservation Commission	391
Department of Revenue	
Director of Revenue	392
State Lottery	392
Boards of Police Commissioners	
Kansas City Board of Police Commissioners	393

Department of Social Services

Division of Medical Services	441
------------------------------	-----

IN ADDITIONS

Department of Health

Division of Health Standards and Licensure	447
Missouri Health Facilities Review Committee	447

BID OPENINGS

Office of Administration

Division of Purchasing	449
------------------------	-----

RULE CHANGES SINCE UPDATE	450
----------------------------------	-----

EMERGENCY RULES IN EFFECT	458
----------------------------------	-----

REGISTER INDEX	461
-----------------------	-----

ORDERS OF RULEMAKING

Department of Conservation	
Conservation Commission	429
Department of Economic Development	
Missouri State Board of Accountancy	429
Division of Motor Carrier and Railroad Safety	429
Department of Elementary and Secondary Education	
Division of School Services	431
Department of Transportation	
Missouri Highways and Transportation Commission	433
Department of Natural Resources	
Air Conservation Commission	440
Department of Revenue	
Director of Revenue	441

Register Filing Deadlines	Register Publication	Code Publication	Code Effective
Nov. 1, 1999	Dec. 1, 1999	Dec. 31, 1999	Jan. 30, 2000
Nov. 15, 1999	Dec. 15, 1999	Dec. 31, 1999	Jan. 30, 2000
Dec. 1, 1999	Jan. 3, 2000	Jan. 30, 2000	Feb. 29, 2000
Dec. 15, 1999	Jan. 14, 2000	Jan. 30, 2000	Feb. 29, 2000
Jan. 3, 2000	Feb. 1, 2000	Feb. 29, 2000	March 30, 2000
Jan. 14, 2000	Feb. 15, 2000	Feb. 29, 2000	March 30, 2000
Feb. 1, 2000	March 1, 2000	March 31, 2000	April 30, 2000
Feb. 15, 2000	March 15, 2000	March 31, 2000	April 30, 2000
March 1, 2000	April 3, 2000	April 30, 2000	May 30, 2000
March 15, 2000	April 17, 2000	April 30, 2000	May 30, 2000
March 31, 2000	May 1, 2000	May 31, 2000	June 30, 2000
April 14, 2000	May 15, 2000	May 31, 2000	June 30, 2000
May 1, 2000	June 1, 2000	June 30, 2000	July 30, 2000
May 15, 2000	June 15, 2000	June 30, 2000	July 30, 2000
June 1, 2000	July 3, 2000	July 31, 2000	August 30, 2000
June 15, 2000	July 17, 2000	July 31, 2000	August 30, 2000
June 30, 2000	August 1, 2000	August 31, 2000	Sept. 30, 2000
July 14, 2000	August 15, 2000	August 31, 2000	Sept. 30, 2000

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

Missouri Depository Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Depository Documents Law (section 181.100, RSMo 1994, are available in the listed depository libraries, as selected by the Missouri State Library:

Jefferson County Library P.O. Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College P.O. Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	River Bluffs Regional Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151	Central Methodist College Smiley Memorial Library 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6292
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Missouri Western State College Hearnes Learning Resources Ctr. 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library University of Missouri-Rolla 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2756	Riverside Regional Library P.O. Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Library North Central Missouri College P.O. Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948	Kinderhook Regional Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
Eden Theological Seminary/ Webster University Eden/Webster Library 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri Southern State College Spiva Library 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9770	ESTEP Library Southwest Baptist University 1601 S. Springfield Street Bolivar, MO 65613-2597 (417) 326-5281
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	Charles F. Curry Library William Jewell College 500 College Hill Liberty, MO 64068-1896 (816) 781-7700	Missouri State Library 600 West Main, P.O. Box 387 Jefferson City, MO 65102-0387 (573) 751-3075	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6484	Ward Edwards Library Central Missouri State University 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Missouri State Archives 600 West Main, P.O. Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300	Kansas City Public Library 311 East 12th St. Kansas City, MO 64106-2454 (816) 701-3400	Elmer Ellis Library University of Missouri-Columbia 104 Ellis Library Columbia, MO 65211-5149 (573) 882-6733	West Plains Campus Library Southwest Missouri State University 123 N. Minnesota West Plains, MO 65775-3414 (417) 256-9865
Maryville University Library 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65201-7298 (573) 882-7083	Springfield-Greene County Library P.O. Box 737, 397 E. Central Springfield, MO 65801-0760 (417) 869-4621
St. Charles City-County Library Middendorf-Kredell Branch 2750 Hwy K O'Fallon, MO 63366-7859 (314) 978-7997	University of Missouri-Kansas City Miller Nichols Library 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-1281	Daniel Boone Regional Library P.O. Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161	Meyer Library Southwest Missouri State University P.O. Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416			

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

shall be five cents (5¢) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four cents (4¢) per hundred weight on milk imported from areas beyond the points of routine inspection.

AUTHORITY: section 196.939, RSMo [Supp. 1998] Supp. 1999. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 14, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The State Milk Board estimates that the following private entities will be affected by this proposed amendment in the given numbers: five producer marketing agencies and seven additional Grade A dairy plants located in the state of Missouri (to be assessed five cents (5¢) per hundred weight on milk produced and/or handled) and seven producer marketing agencies and thirty-five individual Grade A dairy plants (to be assessed at four cents (4¢) per hundred weight on milk inspected from areas beyond the points of routine inspection). The State Milk Board further estimates the aggregate cost of the compliance with this proposed amendment by the enumerated entities to be \$1,468,483 for the period July 1, 2000 through June 30, 2001.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment is scheduled for April 6, 2000, at 11:00 a.m. CDT, in the conference room of the State Milk Board office, 911-D Leslie Blvd., Jefferson City, Missouri. Mailed comments should be received prior to the hearing. Comments regarding the proposed amendment may be sent to Terry S. Long, Executive Secretary, State Milk Board, 911-D Leslie Blvd., Jefferson City, MO 65101. Telephone (573) 751-3830.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 5—Inspections

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The board is amending section (1) on inspection fees.

PURPOSE: This rule is being amended fees by changing the time period for which the fees apply and publish the fees established by the State Milk Board for that period. This amendment updates the reference to the time period for which milk inspection fees apply.

(1) The inspection fee for fiscal year *[2000 (July 1, 1999–June 30, 2000)] 2001 (July 1, 2000–June 30, 2001)*

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title:	Title 2 – DEPARTMENT OF AGRICULTURE
Division:	Division 80 – State Milk Board
Chapter:	Chapter 5 - Inspections
Type of Rulemaking:	PROPOSED AMENDMENT
Rule Number and Name:	2 CSR 80-5.010 Inspection Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Producer Mktg. Agencies	5¢ c.w.t.*
7	Grade A Dairy Plants/Missouri	5¢ c.w.t.*
7	Producer Mktg. Agencies	4¢ c.w.t.*
35	Grade A Dairy Plants Outside Missouri	4¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,468,483

III. WORKSHEET

PRIVATE ENTITY COSTS:

FY 2001

5	Producer Marketing Agencies and	
7	Grade A Dairy Plants of Missouri	5¢ c.w.t.*
7	Producer Marketing Agencies and	
35	Grade A Dairy Plants Outside Missouri	4¢ c.w.t.*

TOTAL COST ESTIMATE: \$1,468,483

* c.w.t. = per hundred weight (cost per pound)

IV. ASSUMPTIONS

The estimates contained in this fiscal note are based upon the following assumptions:

All estimates shown are based upon milk inspection fees collected during FY '99. Varying conditions (drought, severe cold weather, market conditions, etc.) effect total pounds of milk marketed, thereby effecting cost to private entities.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 105—Credit Union Commission
Chapter 3—Credit Union Membership and Chartering**

PROPOSED RULE

4 CSR 105-3.040 Exemptions from Limitations on Groups

PURPOSE: This rule sets forth the criteria the Credit Union Commission may consider when determining whether or not to approve a request for an exemption from the limitations on groups, established pursuant to 370.081, RSMo.

(1) A credit union desiring to make an application to expand its field of membership pursuant to 370.081, RSMo by adding a group with more than three thousand (3,000) members must request approval from the commission prior to submitting an application to the director. The request should be submitted on the form approved by the commission. The request should also include proof in the form of documentation or otherwise that is sufficient to show the group satisfies one of the three (3) exceptions listed in 370.081.2(1)(a)–(c), RSMo. This proof can include but is not limited to the following:

(A) Lack of volunteers or other resources.

1. Documentation in the form of letters from the group desiring credit union membership indicating the lack of volunteer support.

2. Letters, surveys or petitions indicating that no group has shown an interest in starting a credit union that would encompass the group desiring to join the credit union;

(B) The desire of the new group to start their own credit union.

1. Documentation showing the desire of the group to join the existing credit union.

2. Documentation showing the desire of the group to start their own credit union.

3. Documentation regarding the economic advisability of the group to start a credit union including market expectations, ability to build capital and reasonable accessibility.

4. The group must show it can meet the criteria established in 4 CSR 105-3.030; and

(C) Group would be unlikely to operate in a safe and a sound manner.

1. Documentation showing lack of management, lack of capital, lack of expertise to operate a credit union, lack of volunteers and lack of insurability or any action which would result in abnormal risk.

(2) None of these categories are exclusive allowing an applicant to use any combination of proof to meet its burden under the statute.

AUTHORITY: section 370.063, RSMo Supp. 1999. Original rule filed Jan. 13, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Credit Union Commission, P.O. Box 1607, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

4 CSR 250-8.020 Broker Supervision and Improper Use of License and Office. The commission is proposing to amend sections (3)–(5) and amend the authority section.

PURPOSE: This amendment reflects changes made in the statutes due to the passage of HB866.

(3) Appointments of designated agents **and designated transaction brokers** under section 339.820, RSMo shall be entered into by the designated broker or office manager/supervising broker on behalf of that broker and affiliated licensees.

(4) Appointments of designated agents **and designated transaction brokers** under section 339.820, RSMo shall be made in a written agreement for *[a]* brokerage *[relationship]* services or other written notice to the client **or party, unless such appointment is presumed pursuant to section 339.820.1, RSMo.**

(5) Individual brokers, designated brokers, and office managers/supervising brokers shall not be considered to be a dual agent **or a transaction broker** solely because such broker makes an appointment under section 339.820, RSMo. However, when such broker supervises the licensees for both sides of a transaction, that broker will be a dual agent **or a transaction broker** upon learning confidential information about either party to a transaction or upon being consulted by any licensee involved in the transaction. Also, when the broker supervises the licensee *[for]* **representing or assisting** one (1) side of the transaction and personally represents or assists the other side, that broker will be a dual agent **or a transaction broker.**

AUTHORITY: sections 339.120, [RSMo Supp. 1997] 339.710, 339.780 and 339.820, RSMo Supp. 1999. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed May 11, 1983, effective Aug. 11, 1983. Amended: Filed June 15, 1990, effective Dec. 31, 1990. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed Jan. 14, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

4 CSR 250-8.070 Advertising. The commission is proposing to delete section (5), renumber the remaining sections accordingly and amend the authority section.

PURPOSE: The purpose of the amendment is to eliminate a redundant regulation.

[(5) Inducements.

(A) Free Inducements. No licensee shall solicit, sell or offer for sale or lease any interest in real property by offering free lots, by conducting lotteries or contests or by offering prizes for the purpose of influencing a person to purchase or to consider to purchase.

(B) Conditional Inducements. No licensee shall use prizes, money, gifts or other valuable consideration which is not related to the real or personal property being sold as an inducement to secure or influence customers to purchase, lease, sell or list property when the awarding of those items is conditioned upon the purchase, lease, sale or listing.

(C) This prohibition shall apply to the use of any such item as an inducement even if the item is being provided or paid for by another.]

[(6)] (5) No licensee shall advertise to buy, sell, rent, lease, manage or exchange property in any manner that indicates, directly or indirectly, any unlawful discrimination against any individual or group because of race, color, religion, national origin, ancestry, sex, handicap or familial status.

[(7)] (6) Guaranteed Sales.

(A) As used in this rule, the term guaranteed sales plan includes, but is not limited to: i) any plan in which a seller's real estate is guaranteed to be sold, or ii) any plan where a licensee or anyone affiliated with a licensee will purchase a seller's real estate if it is not purchased by a third party in the specified period of a listing or within some other specified period of time.

(B) Any written advertisement by a licensee of a guaranteed sales plan shall include a statement advising the seller that if the seller is eligible, costs and conditions may apply and advising the seller to inquire of the licensee as to the terms of the guaranteed sales agreement. This information shall be set forth in print at least one-fourth (1/4) as large as the largest print in the advertisement.

(C) Any radio or television advertisement by a licensee of a guaranteed sales plan shall include a conspicuous statement advising if any conditions and limitations apply.

(D) Every guaranteed sales agreement must be in writing and contain all of the conditions and other terms under which the property is guaranteed to be sold or purchased, including the charges or other costs for the service or plan, the price for which the property will be sold or purchased and the approximate net proceeds the seller may reasonably expect to receive.

AUTHORITY: sections 339.100, RSMo 1994 and 339.120, RSMo [Supp. 1993] Supp. 1999. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 14, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

4 CSR 250-8.090 [Brokerage Relationship Agreements or Authorization] Brokerage Service Agreements. The commission is proposing to amend the title of the rule, amend sections (2)–(4), add a new section (5) and (6), amend the renumbered section (7), and amend the authority section.

PURPOSE: The purpose of this amendment is to define brokerage service agreements in order to comply with the provisions of HB1601 of the 89th General Assembly and HB866 of the 90th General Assembly.

(2) A licensee shall not show residential property unless a broker holds a currently effective written *[listing agreement, other written agreement for brokerage services, or as a buyer's agent with] seller's/lessor's agency agreement, seller's/lessor's transaction brokerage agreement, or other written authorization* to show.

(3) **Seller's/Lessor's Agency (Sale/Lease Listing) Agreement.**

(A) Every written listing agreement or other written agreement for brokerage services shall contain all of the following:

1. The price;
2. The commission to be paid (including any and all bonuses);
3. A definite beginning date;
4. An expiration date;
5. The licensee's duties and responsibilities;

[6. Specification of whether an offer of subagency may be made;

7. A clear statement to the seller/landlord(s) explaining the effects of the presumption of buyer's agency. This statement shall contain—

A. Missouri law presumes that, absent some other relationship being established, a licensee working with a buyer represents that buyer; and

B. That, as a result, any licensee showing property may represent the buyer; and

C. A licensee working with a buyer may be required to disclose to the buyer any information given to them by the seller;]

6. A statement which permits or prohibits the designated broker from offering subagency;

7. A statement which permits or prohibits the designated broker and/or affiliated licensee from acting as a disclosed dual agent and if permitted, the duties and responsibilities of a dual agent;

8. A statement which permits or prohibits the designated broker and/or affiliated licensee from acting as a transaction broker and if permitted, the duties and responsibilities of a transaction broker;

9. Specification of whether or not the designated broker is authorized to cooperate with and compensate other designated brokers acting pursuant to any other brokerage relationship as defined by 339.710 to 339.860, RSMo, including but not limited to buyer's agents and/or transaction brokers;

10. A statement which confirms that the seller/lessor received the Broker Disclosure Form prescribed by the commission: a) on or before the signing of the seller's agency agreement, or b) upon the licensee obtaining any personal or financial information, whichever occurs first;

[8.] 11. The signatures of all owners and the listing broker or listing agent as authorized by the broker;

[9.] 12. The type of listing[, *such as exclusive agency, exclusive right to sell or open*];

[10.] 13. The legal description or the complete street address of the property, which includes the city where the property is located; or, in the absence of a legal description or address, a clear description which unmistakably identifies the property; and

[11.] 14. All other terms and conditions under which the property is to be sold, leased or exchanged.

(D) The licensee shall give a legible copy of every written listing agreement or other written agreement for brokerage services to the owner of the property at the time the signature of the owner(s) is obtained.

(E) A licensee shall not negotiate or enter into a *[listing] brokerage service* agreement with an owner if the licensee knows, or has reason to know, that the owner has a written unexpired exclusive *[agency or exclusive right to sell listing] brokerage service* agreement as to the property with another broker, unless the owner initiates the discussion and provided the licensee has not directly or indirectly solicited the discussion, in which case the licensee may negotiate and enter into *[a listing] an agreement* which will take effect after the expiration of the current *[listing] agreement*.

(4) Buyer's/Tenant's Agency Agreement.

(A) Every written buyer or tenant authorization shall contain all of the following:

1. A description of the type of property sought by the buyer or tenant;

2. The commission or fee to be paid (including any and all bonuses);

3. A definite beginning date;

4. *[A definite] An* expiration date;

5. The licensee's duties and responsibilities;

6. *[Specification of whether an offer of subagency may be made;] A statement which permits or prohibits the designated broker from offering subagency;*

7. A statement which permits or prohibits the designated broker and/or affiliated licensee from acting as a disclosed dual agent and if permitted, the duties and responsibilities of a dual agent;

8. A statement which permits or prohibits the designated broker and/or affiliated licensee from acting as a transaction broker and if permitted, the duties and responsibilities of a transaction broker;

9. Specification of whether or not the designated broker is authorized to cooperate with and compensate other designated brokers acting pursuant to any other brokerage relationship as defined by 339.710 to 339.860, RSMo, including but not limited to seller's agents and/or transaction brokers;

10. A statement which confirms that the buyer received the Broker Disclosure Form prescribed by the commission: a) on or before the signing of the buyer's agency agreement, or b) upon the licensee obtaining any personal or financial information, whichever occurs first;

[7.] 11. The signatures of the buyers or tenants and the broker or agent as authorized by the broker;

[8.] 12. The type of agreement[, *such as exclusive agency, exclusive right to represent or open*]; and

[9.] 13. All other terms and conditions prescribed by the buyers or tenants.

(E) A licensee shall not negotiate or enter into *[an agency] a brokerage service* agreement with a buyer or tenant if the licensee knows, or has reason to know, that the buyer or tenant has a written unexpired exclusive agreement with another broker, unless the buyer or tenant initiates the discussion and provided the licensee has not directly or indirectly solicited the discussion, in which case

the licensee may negotiate and enter into an agreement which will take effect after the expiration of the current agreement.

(5) Transaction Brokerage Agreement Between Broker and Seller/Lessor.

(A) Every written seller's or lessor's transaction brokerage agreement shall contain all of the following:

1. The price;

2. The commission to be paid (including any and all bonuses);

3. A definite beginning date;

4. An expiration date;

5. The licensee's duties and responsibilities;

6. The signatures of all owners and the broker or affiliated licensee as authorized by the broker;

7. The type of agreement;

8. The legal description or the complete street address of the property, which includes the city where the property is located; or, in the absence of a legal description or address, a clear description which unmistakably identifies the property;

9. All other terms and conditions under which the property is to be sold, leased or exchanged;

10. Specification of whether or not the designated broker is authorized to cooperate with and compensate other designated brokers acting pursuant to any other brokerage relationship as defined by 339.710 to 339.860, RSMo, including but not limited to buyer's agents and/or other transaction brokers; and

11. A statement which confirms that the seller/lessor received the Broker Disclosure Form prescribed by the commission: a) on or before the signing of the transaction brokerage agreement, or b) upon the licensee obtaining any personal or financial information, whichever occurs first.

(B) The agreement shall contain no provision requiring an owner to notify the broker of intent to cancel the agreement after the expiration date.

(C) Any change to the agreement must contain the initials of all parties.

(D) The licensee shall give a legible copy of every written agreement to the owner of the property at the time the signature of the owner(s) is obtained.

(E) A licensee shall not negotiate or enter into a brokerage service agreement with an owner if the licensee knows, or has reason to know, that the owner has a written unexpired exclusive brokerage service agreement as to the property with another broker, unless the owner initiates the discussion and provided the licensee has not directly or indirectly solicited the discussion, in which case the licensee may negotiate and enter into an agreement which will take effect after the expiration of the current agreement.

(F) No licensee shall make or enter into a net agreement for the sale or lease of real property or any interest in real property; this agreement is defined as one that stipulates a net price to be received by the owner with the excess over that price to be received by the broker as commission.

(G) Transaction brokerage agreements may not be assigned, sold or otherwise transferred to another broker without the express written consent of all parties to the original transaction brokerage agreement.

(6) Transaction Brokerage Agreement Between Broker and Buyer/Tenant.

(A) Every written buyer's or tenant's transaction brokerage agreement shall contain all of the following:

1. A description of the type of property sought by the buyer or tenant;

2. The commission or fee to be paid (including any and all bonuses);

3. A definite beginning date;
4. An expiration date;
5. The licensee's duties and responsibilities;
6. The signatures of the buyers or tenants and the broker or affiliated licensee as authorized by the broker;
7. The type of agreement;
8. All other terms and conditions prescribed by the buyers or tenants;
9. Specification of whether or not the designated broker is authorized to cooperate with and compensate other designated brokers acting pursuant to any other brokerage relationship as defined by 339.710 to 339.860, RSMo, including but not limited to seller's agents and/or other transaction brokers; and
10. A statement which confirms that the buyer received the Broker Disclosure Form prescribed by the commission: a) on or before the signing of the transaction brokerage agreement, or b) upon the licensee obtaining any personal or financial information, whichever occurs first.

(B) The agreement shall contain no provision requiring a buyer or tenant to notify the broker of intent to cancel the agreement after the expiration date.

(C) Any change to the agreement must contain the initials of all parties.

(D) The licensee shall give a legible copy of every written agreement or other authorization to the buyer or tenant at the time the signatures are obtained and a copy of the agreement shall be retained in the broker's office.

(E) A licensee shall not negotiate or enter into a brokerage service agreement with a buyer or tenant if the licensee knows, or has reason to know, that the buyer or tenant has a written unexpired exclusive agreement with another broker, unless the buyer or tenant initiates the discussion and provided the licensee has not directly or indirectly solicited the discussion, in which case the licensee may negotiate and enter into an agreement which will take effect after the expiration of the current agreement.

(F) Transaction brokerage agreements may not be assigned, sold or otherwise transferred to another broker without the express written consent of all parties to the original transaction brokerage agreement.

[(5)] (7) Other Written Authorization. Written authorization to show residential property without [a brokerage agreement] an agency agreement or transaction brokerage agreement with the owner/landlord must contain all of the following:

- (A) A definite beginning date;
- (B) An expiration date;
- (C) The signatures of all owners or landlords and the broker or licensee as authorized by the broker;
- (D) The legal description or the complete street address of the property, which includes the city where the property, which includes the city where the property is located; or, in the absence of a legal description or address, a clear description which unmistakably identifies the property;
- (F) The commission or fee to be paid (including any and all bonuses); [and]
- (G) All other terms and conditions prescribed by the owners or landlords./.
- (H) Any change to the written authorization must contain the initials of all parties; and
- (I) A statement which confirms that the owner or landlord received the Broker Disclosure Form prescribed by the commission: a) on or before the signing of the other written authorization, or b) upon the licensee obtaining any personal or financial information, whichever occurs first.

AUTHORITY: sections 339.120, [RSMo Supp. 1997] 339.730, 339.740, 339.750, 339.755, 339.780 and 339.820, RSMo Supp.

1999. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 14, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 250—Missouri Real Estate Commission Chapter 8—Business Conduct and Practice

PROPOSED RESCISSION

4 CSR 250-8.095 Agency Disclosure. This rule restated the existing requirements that licensees make their client relationships known both orally and in writing as to eliminate confusion on the part of the public.

PURPOSE: The commission is proposing to rescind this rule and propose a new rule in order to comply with provisions in HB1601 of the 89th General Assembly and HB866 of the 90th General Assembly.

AUTHORITY: section 339.120, RSMo Supp. 1997. Original rule filed Oct. 26, 1987, effective July 1, 1988. Amended: Filed Sept. 1, 1989, effective Dec. 28, 1989. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Rescinded and readopted: Filed Dec. 1, 1997, effective Sept. 1, 1998. Rescinded: Filed Jan. 14, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 250—Missouri Real Estate Commission Chapter 8—Business Conduct and Practice

PROPOSED RULE

4 CSR 250-8.095 Brokerage Relationship Disclosure

PURPOSE: The commission is proposing this rule in order to comply with provisions in HB1601 of the 89th General Assembly and HB866 of the 90th General Assembly.

(1) Licensees acting with or without a written agreement for brokerage services pursuant to 339.710 to 339.860, RSMo, are

required to disclose such relationships in the following instances and manner:

(A) Seller's/Landlord's Agent or Subagent.

1. A licensee acting as an agent or subagent of the seller/landlord shall disclose this agency status no later than the first showing to a buyer/tenant who is not represented by or working with another licensee pursuant to 339.710 to 339.860, RSMo.

2. If the buyer/tenant is represented by another licensee, the disclosure may be made to the buyer/tenant or their agent upon first contact with the buyer/tenant or their agent, whichever occurs first.

3. If the seller's/landlord's agent is cooperating with another licensee under a written agreement of subagency or through a unilateral offer of subagency, the disclosure made by the subagent shall serve as the disclosure of the seller's/landlord's agent.

4. In a cooperative sale/lease between a seller's/landlord's agent and a licensee working with a buyer/tenant as a transaction broker, the seller's/landlord's agent shall make disclosure of this agency status to the buyer/tenant and also to the licensee assisting the buyer/tenant upon first contact with each respective party.

5. In a contemplated real estate transaction where no contact occurs with the buyer/tenant, their agent or transaction broker, the seller's/landlord's agent shall disclose this agency status to the buyer's/tenant's agent or transaction broker when first contact is established pursuant to paragraph (B)5. or (E)5. of this section.

6. If the landlord's agent is conducting property management pursuant to 4 CSR 250-8.200, the unlicensed office personnel may, in their performance of the duties enumerated in 339.010.5(5)(a)-(e), make the disclosure described herein on behalf of the landlord's agent;

(B) Buyer's/Tenant's Agent or Subagent.

1. A licensee acting as an agent or subagent of the buyer/tenant shall disclose this agency status no later than the first showing to a seller/landlord who is not represented by or working with another licensee pursuant to 339.710 to 339.860, RSMo.

2. If the seller/landlord is represented by another licensee, the disclosure may be made to the seller/landlord or their agent upon first contact with the seller/landlord or their agent, whichever occurs first.

3. If the buyer's/tenant's agent is cooperating with another licensee under a written agreement of subagency or through a unilateral offer of subagency, the disclosure made by the subagent shall serve as the disclosure of the buyer's/tenant's agent.

4. In a cooperative sale/lease between a buyer's/tenant's agent and a licensee working with a seller/landlord as a transaction broker, the buyer's/tenant's agent shall make disclosure of this agency status to the seller/landlord and also to the licensee assisting the seller/landlord upon first contact with each respective party.

5. In a contemplated real estate transaction where no contact occurs with the seller/landlord, their agent or transaction broker, the buyer's/tenant's agent shall establish first contact with the seller's/landlord's agent or transaction broker and disclose this agency status prior to the presentation of an offer to exchange, purchase, rent, or lease.

6. If the landlord's agent or transaction broker is conducting property management pursuant to 4 CSR 250-8.200, the unlicensed office personnel may, in their performance of the duties enumerated in 339.010.5(5)(a)-(e), RSMo, receive the disclosure described herein on behalf of the landlord's agent or transaction broker;

(C) Dual Agent.

1. A licensee acting as a dual agent in a real estate transaction shall disclose this agency status immediately upon its occurrence to all parties of a real estate transaction.

2. In a non-designated agency transaction, the disclosure made by the licensee procuring the buyer/tenant (selling licensee) shall serve as disclosure for the listing licensee and designated broker.

3. A designated broker who becomes a dual agent and does not personally represent any of the parties in a designated agency transaction shall not be required to make disclosure of this agency status provided written consent was given by all parties to the real estate transaction pursuant to 339.750.1, RSMo;

(D) Transaction Broker Assisting Seller/Landlord.

1. A licensee assisting a seller/landlord as a transaction broker who has not been deemed a transaction broker pursuant to 339.710(19)(c), RSMo, shall disclose this brokerage relationship no later than the first showing to buyer/tenant who is not represented by or working with another licensee pursuant to 339.710 to 339.860, RSMo.

2. If the buyer/tenant is represented by another licensee, this disclosure may be made to the buyer/tenant or their agent upon first contact with the buyer/tenant or their agent, whichever occurs first.

3. If the licensee has not entered into a written transaction brokerage agreement with the seller/landlord, the licensee shall disclose the licensee's transaction broker status to the seller/landlord upon establishing such relationship with the seller/landlord.

4. In a cooperative sale between a seller's/landlord's transaction broker and a licensee working with a buyer/tenant as a transaction broker, the seller's/landlord's transaction broker shall make disclosure of this brokerage relationship status to the buyer/tenant and also to the licensee assisting the buyer/tenant upon first contact with each respective party.

5. In a contemplated real estate transaction where no contact occurs with the buyer/tenant, or their agent or transaction broker, the seller's/landlord's transaction broker shall disclose this brokerage relationship status to the buyer's/tenant's agent or transaction broker when first contact is established pursuant to paragraph (B)5. or (E)5. of this section.

6. If the landlord's transaction broker is conducting property management pursuant to 4 CSR 250-8.200, the unlicensed office personnel may, in their performance of the duties enumerated in 339.010.5(5)(a)-(e), RSMo, make the disclosure described herein on behalf of the landlord's transaction broker;

(E) Transaction Broker Assisting Buyer/Tenant.

1. A licensee assisting a buyer/tenant as a transaction broker who has not been deemed a transaction broker pursuant to 339.710(19)(c), RSMo, shall disclose this brokerage relationship no later than the first showing to a seller/landlord who is not represented by or working with another licensee pursuant to 339.710 to 339.860, RSMo.

2. If the seller/landlord is represented by another licensee, this disclosure may be made to the seller/landlord or their agent upon first contact with the seller/landlord or their agent, whichever occurs first.

3. If the licensee has not entered into a written transaction brokerage agreement with the buyer/tenant, the licensee shall disclose the licensee's transaction broker status to the buyer/tenant upon establishing such relationship with the buyer/tenant.

4. In a cooperative sale/lease between a buyer's/tenant's transaction broker and a licensee working with a seller/landlord as a transaction broker, the buyer's/tenant's transaction broker shall make disclosure of this brokerage relationship status to the seller/landlord and also to the licensee assisting the seller/landlord upon first contact with each respective party.

5. In a contemplated real estate transaction where no contact occurs with the seller/landlord, their agent or transaction broker, the buyer's/tenant's transaction broker shall establish first contact with the seller's/landlord's agent or transaction broker and disclose this brokerage relationship status prior to the presentation of an offer to exchange, purchase, rent, or lease.

6. If the landlord's agent or transaction broker is conducting property management pursuant to 4 CSR 250-8.200, the unlicensed office personnel may, in their performance of the duties enumerated in 339.010.5(5)(a)-(e), RSMo, receive the disclosure

described herein on behalf of the landlord's agent or transaction broker;

(F) Transaction Broker Pursuant to 339.710(19)(c), RSMo.

1. A licensee who becomes a transaction broker pursuant to 339.710(19)(c), RSMo, shall disclose this transaction broker status immediately upon its occurrence to all parties to the real estate transaction to be confirmed in writing prior to the execution of the contract.

2. The disclosure of the licensee procuring the buyer (selling licensee) shall serve as disclosure for the listing licensee and designated broker.

3. A designated broker who becomes a transaction broker and does not personally represent any of the parties in a designated agency transaction shall not be required to make disclosure of this status provided written consent was given by all parties to the real estate transaction.

AUTHORITY: sections 339.120, 339.720, and 339.770, RSMo Supp. 1999. Original rule filed Oct. 26, 1987, effective July 1, 1988. Amended: Filed Sept. 1, 1989, effective Dec. 28, 1989. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Rescinded and readopted: Filed Dec. 1, 1997, effective Sept. 1, 1998. Rescinded and readopted: Filed Jan. 14, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED RULE

4 CSR 250-8.096 Brokerage Relationship Confirmation

PURPOSE: This rule outlines requirements for a brokerage relationship confirmation.

(1) Licensees acting with or without a written agreement for brokerage services pursuant to 339.710 to 339.860, RSMo, are required to have such relationships confirmed in writing by each party to the real estate transaction on or before such party's first signature to the real estate contract. Nothing contained herein prohibits the written confirmation of brokerage relationships from being included or incorporated into the real estate contract.

(A) Written confirmation must—

1. Identify the licensee's brokerage relationship;
2. Identify the source or sources of compensation;

3. Confirm that the brokerage relationships, if required by rule or regulation, were disclosed to the seller/landlord and/or buyer/tenant or their respective agents and/or transaction brokers no later than the first showing, upon first contact, or immediately upon the occurrence of any change to that relationship;

4. Confirm the seller's/landlord's and buyer's/tenant's receipt of the Broker Disclosure Form prescribed by the commission;

5. Be signed and dated by the seller/landlord and buyer/tenant. If the landlord has entered into a written property management

agreement pursuant to 4 CSR 250-8.200–4 CSR 250-8.210, the landlord shall not be required to sign the written confirmation; and

6. Be signed and dated by the disclosing licensees on or before the contract date. If a landlord's agent or transaction broker is conducting property management pursuant to 4 CSR 250-8.200–4 CSR 250-8.210, the unlicensed office personnel may, in their performance of the duties enumerated in 339.010.5(5)(a)–(e), sign the written confirmation on behalf of the landlord's agent or transaction broker.

(B) A signed copy shall be given to the seller/landlord and buyer/tenant and a signed copy shall be retained by the disclosing licensee's broker. If any party to the real estate transaction refuses to sign the confirmation, the licensee working with that party pursuant to 339.710 to 339.860, RSMo, shall set forth, sign and date a written explanation of the facts of refusal and the explanation shall be retained by the licensee's broker.

AUTHORITY: sections 339.120, 339.720 and 339.780, RSMo 1999. Original rule filed Jan. 14, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

4 CSR 250-8.097 Broker Disclosure Form. The commission is proposing to amend sections (1) and (2) and amend the authority section.

PURPOSE: This amendment clarifies and simplifies the requirements of presenting the Broker Disclosure Form.

(1) At the earliest practicable opportunity during or following the first substantial contact by the designated broker or the affiliated licensees with a seller, landlord, buyer, or tenant who has not entered into a *[written agreement for services]* **brokerage relationship** as described in section 339.710.5, RSMo, the licensee shall provide that person with a written copy of the current Broker Disclosure Form prescribed by the Missouri Real Estate Commission. In any event, a licensee shall provide the *[unrepresented party (customer)]* **party that has not entered into a brokerage relationship as described in section 339.710.5, RSMo, the Broker Disclosure Form upon obtaining any personal or financial information or before the signing of a brokerage service agreement, whichever occurs first. [If the prospective customer refuses to sign the disclosure, the licensee shall set forth, sign and date a written explanation of the facts of the refusal and the explanation shall be retained by the licensee's broker.]** **If a landlord's agent or transaction broker is conducting property management pursuant to 4 CSR 250-8.200, the unlicensed office personnel may, in their performance of the duties enumerated in 339.010.5(5)(a)–(e), provide a tenant with a written copy of the current Broker Disclosure**

Form prescribed by the commission on behalf of the landlord's agent or transaction broker.

(2) [The licensee providing the Broker Disclosure Form is required to see that the prescribed form is completed in its entirety.] The brokerage relationship marked as offered on the Broker Disclosure Form shall correspond to the written office policy adopted by the designated broker pursuant to 339.760.1, RSMo.

AUTHORITY: sections 339.120, [RSMo Supp. 1997] and 339.770, RSMo Supp. 1999. Original rule filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed Jan. 14, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

4 CSR 250-8.160 Retention of Records. The commission is proposing to amend section (1) and amend the authority section.

PURPOSE: This amendment will remove the requirement for broker disclosure forms to be retained by a broker.

(1) Every broker shall retain for a period of at least three (3) years true copies of all business books; accounts, including voided checks; records; contracts; [broker disclosure forms and] brokerage relationship agreements; closing statements and correspondence relating to each real estate transaction that the broker has handled. The records shall be made available for inspection by the commission and its authorized agents at all times during usual business hours at the broker's regular place of business. No broker shall charge a separate fee relating to retention of records.

AUTHORITY: sections 339.120, [RSMo Supp. 1997] and 339.770, RSMo Supp. 1999. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed Jan. 14, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within

thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice**

PROPOSED AMENDMENT

4 CSR 250-8.210 Management Agreements. The commission is proposing to amend section (1) and amend the authority section.

PURPOSE: This amendment reflects the changes made in the statutes due to the passage of HB866.

(1) Every written property management agreement or other written authorization between a broker and the owners of the real estate shall—

(E) Provide the terms and conditions for termination of the property management agreement by the broker or the owner of the property; and

(F) Contain signatures of broker and owner or their authorized agent.]

(F) Include the licensee's duties and responsibilities;

(G) Contain a statement which permits or prohibits the designated broker from offering subagency (not applicable for transaction broker agreements);

(H) Contain a statement which permits or prohibits the designated broker and/or affiliated licensee from acting as a disclosed dual agent and if permitted, the duties and responsibilities of a dual agent;

(I) Contain a statement which permits or prohibits the designated broker and/or affiliated licensee from acting as a transaction broker and if permitted, the duties and responsibilities of a transaction broker;

(J) Include specification of whether or not the designated broker is authorized to cooperate with and compensate other designated brokers acting pursuant to any other brokerage relationship as defined by 339.710 to 339.860, RSMo, including but not limited to tenant's agents and/or transaction brokers;

(K) Contain a statement which confirms that the landlord received the Broker Disclosure Form prescribed by the commission: a) on or before the signing of the brokerage relationship agreement, or b) upon the licensee obtaining any personal or financial information, whichever occurs first; and

(L) Contain the signatures of all the owners and the broker or affiliated licensee as authorized by the broker.

AUTHORITY: sections 339.120, [RSMo Supp. 1993] 339.720, 339.780 and 339.820, RSMo Supp. 1999. Original rule filed June 14, 1988, effective Feb. 19, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Jan. 14, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, P.O. Box 1339, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies**

PROPOSED RULE

5 CSR 90-4.100 Definitions

PURPOSE: This rule establishes definitions for the State Board of Education through the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for the standards and procedures to provide vocational rehabilitation services for applicants and eligible individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Comparable services. Services provided which contribute to the achievement of the individual's rehabilitation goal.

(2) Statewide government agency for order of selection. A governmental agency/program which benefits individuals in terms of their rehabilitation goals and whose mission is compatible with the federal act and/or applicable regulations and is available to persons throughout the state; i.e., a person from any part of the state may be referred to and referred from the governmental agency/program. The governmental agency/program may not be locally operated for the benefit of only local residents.

(3) Disability related expenses. Medication, therapy, medical treatment, prosthetic appliances, repairs to equipment, etc., not covered by insurance, Medicare, Medicaid or other third party payees, which directly relates to an individual's disability.

(4) Independent individual for financial needs purposes. Any individual who meets any one (1) of the following criteria: is twenty-three (23) years old; a veteran of the U.S. Armed Forces; a ward of the court; both parents are deceased; has legal dependents other than spouse; married and not claimed as an income tax exemption during the current tax year; unmarried and not claimed as an income tax exemption during the past two (2) years and has not lived for more than twelve (12) weeks in the home of the parent(s)/guardian during each of the past two (2) tax years.

(5) Dependent. An individual not meeting any of the criteria as an independent. When the client is a dependent, Division of Vocational Rehabilitation's (DVR's) Financial Application must be completed by the parent(s)/guardian and their income will determine the individual's eligibility for services based on financial need.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies**

PROPOSED RULE

5 CSR 90-4.110 Confidentiality and Release of Information

PURPOSE: This rule establishes the procedures for release of information and confidentiality of applicants and/or eligible individuals for the State Board of Education through the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Information about an applicant or eligible individual will not be released without the individual's written permission except in the following situations when it directly relates to the applicant or eligible individual's rehabilitation program and is necessary to provide services:

(A) Name, addresses, Social Security number, phone numbers, educational/work histories and income information to other state agencies that the Division of Vocational Rehabilitation (DVR) has a cooperative agreement with including but not limited to Departments of Economic Development, Elementary and Secondary Education, Higher Education, Labor and Industrial Relations, Mental Health, Social Services and Workforce Development; and/or

(B) Information about an applicant or eligible individual to Community Rehabilitation Programs; and/or

(C) Information about an applicant or eligible individual to medical care service providers; and/or

(D) As authorized in the federal act and/or applicable regulations.

(2) An applicant or eligible individual's refusal to release information may affect eligibility or result in denial of services.

(3) Information from an individual's file must be requested in writing. Upon the determination that information is harmful to the individual, information will not be released to the individual, but will be released to court appointed representatives or a third party chosen by the individual including an advocate, individual's adult family member, qualified medical or mental health professional.

(4) An applicant or eligible individual who believes that information in the individual's record of services is inaccurate or misleading may request in writing that DVR amend the information. If the information is not amended, the request for the amendment must be documented in the record of services.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies**

PROPOSED RULE

5 CSR 90-4.120 Minimum Standards for Service Providers

PURPOSE: This rule establishes the minimum standards for service providers for the State Board of Education through the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education to provide vocational rehabilitation services for applicants and eligible individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) A service provider is an individual or organization which provides services to applicants or eligible individuals.

(A) A vocational service provider may provide one (1) or more of the following client interventions: personal and work adjustment training; job readiness training; supported employment; work stations in industry; and vocational evaluation.

1. The vocational service provider must demonstrate the ability to deliver appropriate case management services including counseling, psychological services, and vocational assessment services, and shall maintain service delivery personnel who possess substantial academic credentials appropriate to the proposed service.

2. Accreditation must be obtained from recognized professional accreditation organizations who have developed commonly accepted processes for accreditation of the specific service. This would include but is not limited to the Commission on Accreditation of Rehabilitation Facilities (CARF) and the Joint Commission of Accreditation of Hospitals (JCAH).

(B) An educational service provider must comply with the provisions found in 5 CSR 30-4.020.

(2) The service provider must be properly accredited, certified, or licensed in Missouri or another state as approved by the Division of Vocational Rehabilitation (DVR), in accordance with applicable state law and/or regulation. Qualified personnel must have a valid, unencumbered, unrestricted, and undisciplined license, certification, or accreditation.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies**

PROPOSED RULE

5 CSR 90-4.200 Eligibility

PURPOSE: This rule establishes the eligibility requirements for applicants for the State Board of Education through the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Diagnosis of disability as defined in the Rehabilitation Act of 1973 as amended and the applicable rules must be by a qualified person, licensed or certified in Missouri or another state as approved by the Division of Vocational Rehabilitation (DVR), in accordance with applicable state law and/or regulation. Qualified personnel must have a valid, unencumbered, unrestricted, and undisciplined license or certification.

(2) Eligibility shall be determined pursuant to the federal act and/or applicable regulations and the following qualifications:

(A) Individuals with conditions diagnosed or related to alcohol and/or drug dependence, must be participating in or have successfully completed an inpatient/outpatient drug and/or alcohol treatment program, prior to receiving services from DVR. The treatment program must be certified by the Missouri Department of Mental Health, Division of Alcohol and Drug Abuse or the Joint Commission on Accreditation of Hospitals (JCAH);

(B) All referrals, applicants and eligible individuals with a visual disability will be referred to the Missouri Rehabilitation Services for the Blind (RSB) when the individual meets the visual disability requirements set forth in RSB rules; and

(C) Eligibility for individuals with hearing loss must be diagnosed by a Missouri certified audiologist or a Missouri physician skilled in diseases of the ear. Eligibility for individuals with a hearing loss is based upon standards developed by the American Speech and Hearing Association (ASHA).

1. The following standards may be considered when determining eligibility:

A. Pure tone average, speech receptions, and speech discrimination factors in determining the existence of functional limitations;

B. Pure tone average is determined by computing the decibel loss at 500 Hz, 1000 Hz, and 2000 Hz;

C. An individual with a forty-one (41) decibel loss in the better ear would be considered as having a disability with functional limitations;

D. An individual with a thirty-four to forty (34-40) decibel loss in the better ear may be considered as having a disability with functional limitations if the loss in the other ear is ninety (90) decibels or more; or

E. Other factors, including speech reception, speech discrimination, and decibel loss at frequencies above 2000 Hz may cause functional limitations.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$549,249 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-4.200 Eligibility

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$549,249 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion (21.3%) as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$2,578,632. The state portion is figured by multiplying 21.3% times \$2,578,632. Therefore, the estimated cost is \$549,249 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies**

PROPOSED RULE

5 CSR 90-4.300 Order of Selection for Services

PURPOSE: This rule establishes the order of selection for vocational rehabilitation services if the State Board of Education through the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education cannot provide services to all eligible individuals with disabilities in the State of Missouri.

(1) In the event vocational rehabilitation services cannot be provided to all eligible individuals with disabilities in the state of Missouri, the Division of Vocational Rehabilitation (DVR) will implement an order of selection. Services shall be provided based upon the eligible individual's placement in one (1) of the following category priorities:

(A) Priority Category I—An individual with the most significant disabilities as defined through the federal act and/or applicable regulations;

(B) Priority Category II—An individual with a significant disability as defined in the federal act and/or applicable regulations and whose disability was sustained in the line of duty while performing as a public safety officer and the immediate cause of the disability was the result of one (1) of the following:

1. A criminal act;
2. An apparent criminal act; or
3. A hazardous condition resulting from the performance of duties in direct connection with the enforcement, execution and administration of law or fire prevention, fire-fighting or related public safety activities;

(C) Priority Category III—An individual with a significant disability as defined in the federal act and/or applicable regulations;

(D) Priority Category IV—An individual with a disability as defined in the federal act and/or applicable regulations and who is receiving services from state-wide government agencies with whom DVR has a working written agreement detailing the responsibilities of each agency. Classification in this category is not made on the basis of type of disabling condition. However, public safety officers will receive services first within this priority category; or

(E) Priority Category V—An individual with a disability as defined in the federal act and/or applicable regulations. Public safety officers will receive services first within this priority category.

(2) An eligible individual will be placed in the appropriate priority category and receive written notification of the assigned priority category. The eligible individual's date of application will be used to determine the order of services within a priority category.

(3) An eligible individual's placement in a priority category may be changed under justifiable circumstances.

(4) Rationale for placement will appear in the individual's case file.

(5) The order of selection shall in no way affect the provision or authorization of diagnostic and evaluation services needed to determine eligibility.

(6) Services authorized or provided to any eligible individual shall not be disrupted as a result of an order of selection or the closing of a priority category.

(7) Order of selection priority categories do not apply to post-employment services.

(8) The order of selection shall in no way affect eligible individual's access to services provided through DVR's information and referral system.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies**

PROPOSED RULE

5 CSR 90-4.400 Appeals

PURPOSE: This rule establishes the procedures for appeal by an applicant or eligible individual dissatisfied with a determination made regarding the provision of services by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) When an applicant or eligible individual signs an application, is determined ineligible for services, the Individualized Plan for Employment (IPE) is developed or executed, or upon reduction, suspension, or cessation of vocational rehabilitation services, the applicant or eligible client will be appraised of their rights to a due process hearing and/or mediation.

(2) When an applicant or eligible individual is dissatisfied with any determination made by the Division of Vocational Rehabilitation (DVR) regarding the provision of services, the applicant or eligible individual may request under the rules promulgated by the State Board of Education, informal review, a due process hearing or mediation.

(3) When an applicant or eligible individual is dissatisfied with any determination made by DVR regarding the provision of services, the applicant or eligible individual will be given information about the Client Assistant Program.

(4) Division of Vocational Rehabilitation will not suspend, reduce, or terminate services provided to an eligible client under an existing IPE pending a decision from informal review, due process hearing or written mediation agreement, unless the eligible individual or their representative requests in writing.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies**

PROPOSED RULE

5 CSR 90-4.410 Informal Review

PURPOSE: This rule establishes the procedures for informal review of a decision made by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

- (1) The applicant or eligible individual may request informal review in writing to the supervisor of the district office.
- (2) The district supervisor or regional manager will conduct an informal review within twenty (20) working days from receipt of the applicant's or eligible individual's request.
- (3) An applicant or eligible individual may request a due process hearing or mediation without informal review.
- (4) If the informal review is not successful, a formal due process hearing will be conducted within forty-five (45) days from the applicant's or eligible individual's written request for informal review unless a party requests a specified time extension.
- (5) The applicant or eligible individual will be informed of the results of the informal review in writing and the right to a due process hearing or mediation.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies**

PROPOSED RULE

5 CSR 90-4.420 Due Process Hearing

PURPOSE: This rule establishes the procedures for due process hearings for applicants or eligible individuals dissatisfied with a determination made regarding the provision of services by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

- (1) An applicant or eligible individual may request a due process hearing without informal review or mediation.
- (2) An applicant or eligible individual may request a due process hearing in writing or by personally contacting a coordinator, Division of Vocational Rehabilitation (DVR).
- (3) The assistant commissioner of DVR will set a hearing and assign a hearing officer selected pursuant to the federal regulations and/or applicable regulations.
- (4) A hearing will be held within forty-five (45) days of the request unless a party requests a specified time extension.
- (5) A hearing will be conducted as a contested case pursuant to the provisions of Chapter 536, RSMo.
- (6) The applicant or eligible individual, or if appropriate, the individual's parent, guardian or other representative, will be allowed an opportunity to present additional evidence, information and witnesses during the due process hearing.
- (7) Copies of all correspondence, reports of contact and written decisions rendered by the hearing officer shall be placed in the applicant's or eligible individual's case file.
- (8) The hearing officer will make a decision based upon the provisions of the approved state plan, the federal act and/or applicable regulations, and appropriate state law and/or regulations. A written report of the findings of fact and conclusions of law will be submitted to the applicant or eligible client or, if appropriate the individual's parent, guardian or other representative and to the assistant commissioner within thirty (30) days of completion of the due process hearing.
- (9) Within twenty (20) days of the hearing officer's written decision, either party may request in writing, review of the written decision to the commissioner of the Department of Elementary and Secondary Education or his/her designee.
- (10) The commissioner or designee shall provide an opportunity for submission of additional evidence and information relevant to a final decision.
- (11) The commissioner or designee shall not overturn or modify the hearing officer's decision, or part of the decision supporting the position of the applicant or eligible individual, unless the reviewing official determines based upon clear and convincing evidence that the decision of the hearing officer is clearly erroneous on the basis of being contrary to the approved state plan, the federal act and/or applicable regulations, or the appropriate state law and/or regulations.

(12) The commissioner or designee shall provide a written final findings of fact and conclusions of law to the applicant or eligible individual, or, if appropriate, the applicant's representative, and DVR in a timely manner.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$538 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 4 – General Administrative Policies

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-4.420 Due Process Hearing

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$538 per year for the life of the rule.

III. WORKSHEET

Estimated cost is the state portion as averaged over the last two Federal fiscal years. (Hearing officer costs include mileage, meals, postage and fees of \$316 average at approximately eight hearings per year for a total of \$2,528). The state portion is figured by multiplying 21.3% times \$2,528. Therefore, the estimated cost is \$538 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 4—General Administrative Policies**

within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PROPOSED RULE

5 CSR 90-4.430 Mediation

PURPOSE: This rule establishes the procedures for mediation for applicants or eligible individuals dissatisfied with a determination made regarding the provision of services by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The applicant or eligible individual may request mediation regarding disputes involving any determination by the Division of Vocational Rehabilitation (DVR) that affects the provision of services. This request may be made in writing or by personally contacting a coordinator of DVR.

(2) The assistant commissioner of DVR will assign a mediator selected pursuant to the federal act and/or applicable regulations and agreed to by both the DVR and the applicant or eligible individual.

(3) An agreement reached by the parties shall be set forth in writing.

(4) A written mediation agreement shall be provided to the applicant or eligible individual, or if appropriate, the individual's parent, guardian or other representative and to the assistant commissioner within thirty (30) days of completion of the mediation process.

(5) All discussions occurring during the mediation process shall be confidential and not used as evidence in any subsequent due process hearing or civil proceeding. Parties may be required to sign a confidentiality pledge prior to the commencement of mediation.

(6) An applicant or eligible individual may request mediation without informal review or a due process hearing. Mediation is voluntary on the part of both parties.

(7) Mediation will not be used to deny or delay an individual's due process hearing.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$485 in the Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 4 – General Administrative Policies

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-4.430 Mediation

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$485 per year for the life of the rule.

III. WORKSHEET

Mediation services are a new service as provided in the Rehabilitation Act of 1973. These services have not been rendered, however, the estimated cost was determined by averaging the fees of professional mediation services from the bids selected. This average cost of a mediation is \$759 (rounded). (Mediation costs include mileage, meals, postage and fees of \$759 average at approximately three mediations per year for a total of \$2,278). The state portion is figured by multiplying 21.3% times \$2,278. Therefore, the estimated cost is \$485 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.400 Services

PURPOSE: This rule establishes the standards for vocational rehabilitation services for the State Board of Education through the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Vocational rehabilitation services as defined in the federal act and/or applicable regulations may be provided to individuals.

(A) Financial Need.

1. The following vocational rehabilitation services as defined in the federal act and/or applicable regulations may be provided to individuals based upon financial need:

A. Physical and/or mental restoration, including but not limited to hospitalization, medical treatment, surgery, dentistry, and prosthesis;

B. Training, including tuition, fees, books, supplies, training materials and other services associated with training;

C. Maintenance;

D. Transportation;

E. Placement tools, including initial stock and supplies associated with placement;

F. Rehabilitation technology service, including assistive technology devices and services to assist the individual to achieve an employment outcome;

G. Home modification or remodeling;

H. Vehicle modification;

I. Services to family members to assist the individual to achieve an employment outcome;

J. Personal attendant services;

K. Note-taking services, not involving sign language interpretation; and/or

L. Other goods and services not listed above to assist the individual to achieve an employment outcome.

2. Financial need is based upon the individual's adjusted gross income level of the most recent tax records less unreimbursed disability related expenses as approved by the Division of Vocational Rehabilitation (DVR) and compared to one hundred eighty-five percent (185%) of the U.S. Department of Health and Human Services poverty level for Missouri and the Consumer Price Index as updated on an annual basis.

(B) Nonfinancial Need.

1. The following vocational rehabilitation services as defined in the federal act and/or applicable regulations may be provided to individuals regardless of financial need:

A. Medical diagnostic services including medical and surgical examination, psychiatric evaluation, dental examination, inpatient hospitalization for specific identified vocational rehabilitation diagnostic and evaluation services including room, board and other services provided by the facility, clinical laboratory tests, diagnostic x-ray procedures and other medically recognized diagnostic services;

B. Psychological diagnostic services including psychological tests and measurements, intelligence tests, achievement tests, assessment of social functioning, educational achievement and other recognized diagnostic services;

C. Social and vocational diagnostic services including evaluation of the individual's employment opportunities and objectives in light of personality factors, intelligence level, educational

achievements, work experience, vocational aptitudes and interests, and personal and social adjustment;

D. Maintenance when required to enable the individual to participate in diagnostic evaluation/services;

E. Transportation when required to enable an individual to participate in diagnostic evaluation/services;

F. Assessment for determining eligibility and vocational rehabilitation needs;

G. Counseling, guidance, information and referral services;

H. Interpreter services for deaf or non-English speaking individuals when necessary to participate in a rehabilitation plan. Note-taking services that include interpreter services are not based upon the individual's financial need; and/or

I. Placement assistance into suitable employment and follow-up on-the-job training fees required to meet a job objective, including fees for: on-the-job training fees, supported employment and work stations in industry. (All other services required during the training such as maintenance and transportation will be based on financial need.)

(2) Individuals must use and make application for all available comparable services including but not limited to federal and state financial aid, which will be used to reduce the costs of services for DVR. Other comparable services, including Medicaid, Medicare and insurance will also be used by DVR to reduce the costs of services.

(A) Prior to providing any services to an individual, DVR will determine whether comparable services or benefits are available under any other program, except in the following instances:

1. Rehabilitation technology service, including assistive technology devices and services to assist the individual to achieve an employment outcome;

2. Counseling, guidance, information and referral services;

3. Assessment for determining eligibility and vocational rehabilitation needs;

4. Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;

5. When a determination would delay or interrupt the progress of the individual toward achieving the employment outcome identified in the individualized plan for employment;

6. When a determination would delay and interrupt job placement; and

7. Provision of a service to any individual at extreme medical risk.

(3) Division of Vocational Rehabilitation will follow all Missouri procurement policies as specified in the *Revised Statutes of Missouri* for the purchase, retention, repossession and discarding of items including but not limited to prosthetic appliances; home modifications; vehicle modifications; initial tools, stock and equipment and/or rehabilitation technology/devices.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$8,368,540 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-5.400 Services

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$8,368,540 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$39,288,922. The state portion is figured by multiplying 21.3% times \$39,288,922. Therefore, the estimated cost is \$8,368,540 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.410 Fees

PURPOSE: This rule establishes fees paid by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for services for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Certain fees may be paid by the Division of Vocational Rehabilitation (DVR). However, if the usual and customary fee charged for the service is less than an amount listed, the usual and customary fee is the maximum that will be paid. No additional moneys can be collected from the applicant or eligible individual. The fees are as follows:

(A) Hospitalization Fees—Daily per-diem rate established by Missouri Medicaid;

(B) Surgical Fees—Medicare formula for surgery and related services;

(C) Medical and Psychological Diagnostic Fees—Usual and customary fees as approved by the assistant commissioner of DVR;

(D) Community Rehabilitation and Supported Employment Programs—Evaluation of a cost analysis report for each program with the fees approved by the assistant commissioner of DVR; and/or

(E) Interpreter Services—Usual and customary fees approved by the assistant commissioner of DVR.

(2) The maximum fee which may be paid by DVR for any services or entity not listed above is the usual and customary fee for said service or entity as approved by the assistant commissioner of DVR.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.420 Maintenance and Transportation

PURPOSE: This rule establishes the standards for maintenance and transportation services provided by the Division of Vocational

Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals regardless of financial need:

(A) Maintenance when required to enable the applicant or eligible individual to participate in diagnostic evaluation/services;

(B) Transportation when required to enable an applicant or eligible individual to participate in diagnostic evaluation/services.

(2) The following maintenance and transportation services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need:

(A) Maintenance (noon meals, personal maintenance, placement maintenance, room and board) may be authorized in association with an eligible individual's Individualized Plan for Employment (IPE) when necessary for the eligible individual to receive services.

1. Maintenance may be paid if the actual time required for the service is twenty (20) or more hours per week or the actual time required for the service is less than twenty (20) hours per week and the service is not available within commuting distance of the eligible individual's home.

2. An eligible individual, considered as either independent or dependent in the family household within commuting distance (approximately forty-five (45) miles), may receive two dollars and fifty cents (\$2.50) maximum per day for lunch. An eligible individual considered as independent in the family household may receive up to an additional fifteen dollars (\$15) maximum per week if the Division of Vocational Rehabilitation (DVR) can establish a strong economic need. Exceptions may be made if the individual will suffer economic hardship under the plan and there are no available financial resources.

3. Personal maintenance, up to ten dollars (\$10) per week, may be authorized for eligible individuals who are considered an independent in the family household and required to live away from home. Eligible individuals considered family dependent or eligible individuals remaining in the household within commuting distance will not qualify for personal maintenance.

4. Placement maintenance may be authorized for a period not to exceed four (4) weeks in association with an IPE. This plan should include an emphasis in specific job seeking activities. Placement maintenance may be authorized for a period not to exceed four (4) weeks if the individual is employed or until the individual receives a paycheck (whichever period is shorter).

5. Room and board during college training, up to the amount of the dormitory fees at the nearest Missouri tax supported college, may be authorized if an eligible individual lives beyond commuting distance.

6. Noon meals will not be paid during holiday breaks, absences, or vacations during the eligible individual's plan except when an individual lives away from the family household to receive services or when failure to pay maintenance would jeopardize the planned services.

7. DVR will not authorize maintenance for correspondence or tutorial training, or during convalescent care or hospitalization.

(B) Transportation may be authorized by DVR in association with an IPE when necessary for the eligible individual to travel to and from the place of primary service. Transportation assistance will be based upon the individual attending the nearest location.

1. If the eligible individual elects to obtain primary rehabilitation services at a location not within commuting distance (generally one (1) hour travel time and/or approximately forty-five (45)

miles) and the services are available within commuting distance, the eligible individual is responsible for all costs exceeding those authorized by DVR for primary rehabilitation services within commuting distance.

2. An exception may be approved by DVR if the eligible individual suffers an economic hardship under the plan and there are no other available financial resources.

3. Mileage reimbursement to eligible individuals will be calculated at thirty percent (30%) of the most current mileage reimbursement rate for state of Missouri employees issued by the Missouri Office of Administration.

A. Mileage reimbursement may be authorized under the following conditions:

(I) The eligible individual is unable to travel by common carrier; or

(II) Bus service is not available; or

(III) The cost by private transportation is less.

4. Air travel may be provided in instances of significant impairment necessitating such mode of travel and in instances where the overall cost to DVR would be the most cost effective method.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$1,171,477 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-5.420 Maintenance and Transportation

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$1,171,477 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion (21.3%) as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$5,499,892. The state portion is figured by multiplying 21.3% times \$5,499,892. Therefore, the estimated cost is \$1,171,477 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.430 Physical and Mental Restoration

PURPOSE: This rule establishes the standards for physical and mental restoration services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The following physical and/or mental restoration services as defined in the federal act and/or applicable regulations may be provided to applicants or eligible individuals based upon financial need:

(A) Hospital services for eligible individuals shall be provided from an in-state hospital accredited by the Joint Commission on Accreditation of Hospitals (JCAH) or by the American Osteopathic Association and licensed by the Missouri Department of Health. Preference will be given to hospitals having fifty (50) or more beds and well developed surgical and specialty services.

1. Hospital services for eligible individuals from an out-of-state hospital may be paid according to the rates and methods approved by the vocational rehabilitation agency in the state where the hospital is located;

(B) Surgical services for eligible individuals may be provided upon approval by the Division of Vocational Rehabilitation's (DVR) Medical Review Committee and when necessary to correct or substantially modify a physical or mental impairment which is stable or slowly progressive and constitutes a substantial impediment to employment. The condition must be of such a nature that correction or modification may be reasonably expected to eliminate or substantially reduce the impediment to employment within a reasonable length of time;

(C) Hearing aids may only be provided from a Missouri licensed hearing aid dealer and fitter upon the recommendation of a Missouri physician specializing in diseases of the ear or a Missouri certified audiologist. The recommendation must include the recommended type of aid and specifications or prescriptions. All licenses or certifications must be valid, unencumbered, unrestricted, and undisciplined.

1. Prior to purchase authorization, DVR will—

A. Consult with the physician or audiologist to determine feasibility of any repair or reconditioning of an existing aid;

B. Obtain estimates including the itemized cost of the aid, batteries, service and warranty from more than one (1) licensed dealer when practical;

C. Request agency discounts;

D. Allow for the eligible individual's preference of vendor whenever possible; and

E. Ensure that the quality of aid, accessories, service, warranty and cost effectiveness are evaluated; and/or

(D) Individuals with mental illness may be referred to the Missouri Department of Mental Health or other mental health providers as a comparable service. Psychotherapy services may be authorized when required for the eligible individual to begin or continue a rehabilitation plan under the following conditions:

1. The need for psychotherapy is clearly related to the expected employment outcome and recommended by a Missouri licensed psychiatrist or psychologist;

2. An Individualized Plan for Employment (IPE) must have been developed or in the process of development to provide services leading to the attainment of the vocational goal;

3. The eligible individual meets DVR's financial need guidelines;

4. The provider must be a Missouri licensed psychiatrist, psychologist, clinical social worker or professional counselor. The provider must possess a valid, unencumbered, unrestricted and undisciplined Missouri license; and

5. Psychotherapy may be authorized for a period up to three (3) months. An additional three (3) months of therapy may be approved if the therapist feels that the consumer is making satisfactory progress that will lead to the attainment of the vocational goal specified on the IPE.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$600,000 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-5.430 Physical and Mental Restoration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$600,000 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion (21.3%) as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$2,816,899. The state portion is figured by multiplying 21.3% times \$2,816,899. Therefore, the estimated cost is 600,000 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.440 Training

PURPOSE: This rule establishes the standards for training services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) The following training services as defined in the federal act and/or applicable regulations, and 5 CSR 30-4.020 may be provided to eligible individuals based upon financial need.

(A) College, vocational, or proprietary training at an accredited institution may be provided to assist eligible individuals in reaching objectives that are within the scope of their functional limitations, interests, aptitudes and abilities.

1. Eligible individuals must be enrolled in and satisfactorily complete courses that constitute a normal course load for full-time students unless circumstances as approved by the Division of Vocational Rehabilitation (DVR), indicate a need for a reduced course load.

2. Colleges, universities, vocational or proprietary schools must comply with the provisions found in 5 CSR 30-4.020.

3. For eligible individuals enrolled in private or proprietary degree colleges in Missouri, the cost of the education is based upon the nearest Missouri tax supported two (2) or four (4) year college appropriate for the eligible individual to reach their vocational objective. This includes all primary rehabilitation services (e.g. tuition and fees) and secondary rehabilitation services (e.g. maintenance, transportation, books and supplies) which are determined to be necessary for the eligible individual to attend college. The following are exceptions:

A. The specific job objective which the individual is seeking is not available at the nearest Missouri tax supported two (2) or four (4) year college; and/or

B. The nearest Missouri tax supported two (2) or four (4) year college does not provide appropriate services for the individual's disability-related needs.

4. Division of Vocational Rehabilitation's maximum rate of authorization for out-of-state college tuition is based upon the lesser of the hourly rate at the University of Missouri-Columbia (updated annually) or the hourly rate of the particular out-of-state college. This amount may be applied to any of the eligible individual's educational cost(s). For out-of-state colleges any grants, aid, loans, and/or work-study awarded will be used to reduce the individual's participation in the educational costs.

5. Any change in vocational goals involving college, vocational, or proprietary training must be agreed to and signed by the individual and approved by DVR.

6. The eligible individual is responsible for the cost of the tuition and/or required textbooks when courses are dropped, withdrawn and/or retaken due to poor grades, unless the eligible individual's reason for withdrawing, dropping and/or failing a course is disability-related or a credit or refund has been obtained.

7. The individual and/or parents must complete DVR's Financial Application. The individual and/or parents must apply for all applicable federal grants and campus financial aid. If an individual is awarded any grant(s) and attends an in-state college, the grant(s) will be used to reduce DVR's participation in the educational costs.

A. If an individual attends a Missouri public, private or proprietary degree program, all federal grants and aid must be used to reduce agency participation in the educational costs.

B. If the individual participates in a work-study program or obtains student loans, money received from either may be used for educational costs not covered by DVR.

C. If an individual attends an out-of-state college or university, all federal grants and aid may be used to pay for educational costs which exceed DVR's level of funding.

8. The eligible individual is responsible for the cost of tuition, books and supplies for elective courses that do not apply to the eligible individual's degree or program.

9. The eligible individual must acquire and maintain at least a minimum grade point average of 2.0 (based on a four (4) point scale) or a 3.0 (based on a five (5) point scale).

10. The eligible individual shall provide a grade report after each semester, quarter, trimester, etc., that documents hours taken, hours completed, grades for each course and grade point average;

(B) The eligible individual may be authorized for correspondence training in the following situations:

1. Training cannot be arranged by another method;

2. The eligible individual needs preliminary training which may be obtained most practicably and efficiently by correspondence prior to entering training by another method;

3. Satisfactory living arrangements cannot be made to secure training by any other method; and/or

4. An eligible individual needs one (1) or two (2) courses for a special purpose;

(C) Tutorial training by qualified tutors may be authorized for eligible individuals needing training not offered by any other method.

1. The tutor must have the necessary qualifications to teach the required skills, and sufficient time to devote to the selected course.

2. The tutor must be willing to make arrangements for time and place of instruction which will be convenient for the eligible individual and satisfactory to the conditions under which the client must live and train.

3. Division of Vocational Rehabilitation will authorize reasonable tuition for tutorial training and ensure that the objective of the training is commensurate with the cost; and/or

(D) Books, training materials, tools, equipment and/or initial stock may be purchased for an eligible individual when said materials are required for an eligible individual to successfully participate in training or job placement.

(2) The following training services as defined in the federal act and/or applicable regulations, and 5 CSR 30-4.020 may be provided to eligible individuals regardless of financial need:

(A) On-the-job training fees, supported employment, work stations in industry, and placement assistance into suitable employment; and/or

(B) Eligible individuals who are identified in an Individualized Educational Plan (IEP) may be certified for Sheltered Workshop employment in the last semester of his/her final year in school. Exceptions must be agreed upon by both the assistant commissioners of the Department of Elementary and Secondary Education for DVR and Special Education.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$3,121,964 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a

detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5CSR 90-5.440 Training

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$3,121,964 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$14,657,108. The state portion is figured by multiplying 21.3% times \$14,657,108. Therefore, the estimated cost is \$3,121,964 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

PROPOSED RULE

5 CSR 90-5.450 Home Modification and/or Remodeling

PURPOSE: This rule establishes the standards for home modification and remodeling services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Home modification and/or remodeling as defined in the federal act and/or applicable regulations may be provided to eligible individuals who meet the financial need guidelines. The modifications should assist the eligible individual to live independently and participate in employment.

(2) The eligible individual or member of the eligible individual's family must own the residence being modified or remodeled or be in the process of purchasing the residence. If the eligible individual resides in rental property, only ramps or lifts will be authorized by the Division of Vocational Rehabilitation, when written permission from the eligible individual's landlord is obtained authorizing the modifications to the rental property.

AUTHORITY: sections 161.092, 178.600, 178.610 and 178.620, RSMo 1994. Original rule filed Dec. 17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$18,838 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-5.450 Home Modification and/or Remodeling

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$18,838 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion (21.3%) as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$88,440. The state portion is figured by multiplying 21.3% times \$88,440. Therefore, the estimated cost is \$18,838 (rounded).

IV. ASSUMPTIONS

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 90—Vocational Rehabilitation
Chapter 5—Vocational Rehabilitation Services**

*received within thirty days after publication of this notice in the
Missouri Register. No public hearing is scheduled.*

PROPOSED RULE

5 CSR 90-5.460 Vehicle Modification

PURPOSE: This rule establishes the standards for vehicle modification services provided by the Division of Vocational Rehabilitation, Department of Elementary and Secondary Education for individuals with disabilities pursuant to the Rehabilitation Act of 1973 as amended and the Code of Federal Regulations.

(1) Vehicle modification as defined in the federal act and/or applicable regulations may be provided to eligible individuals who meet the financial need guidelines.

(2) Eligible individuals may be required to participate in a driver's evaluation provided by a qualified independent organization or individual, to determine the need for vehicle modification and/or adaptive equipment. The driver's evaluation should reflect the minimum modification required for safe operation of the vehicle.

(3) Division of Vocational Rehabilitation (DVR) only authorizes vehicle modification(s) to enable the eligible individual to enter and exit the vehicle, ride in it and operate it if necessary. Optional equipment, or modifications and accessories not required as indicated by a driver's evaluation, will not be purchased by DVR.

(4) The eligible individual or immediate family member/guardian of the eligible individual must own the vehicle, capable of passing state inspection, prior to any vehicle modification. Division of Vocational Rehabilitation will not purchase an automobile, truck, van, or other powered vehicle that requires licensing by the state.

(5) The eligible individual must have a valid driver's license. If the disability and resulting functional limitations have occurred since the driver's license was issued, the eligible individual should complete appropriate driver training. Division of Vocational Rehabilitation may assist in providing driver's education training.

(6) The eligible individual is responsible for the following:

(A) Providing the maintenance of the vehicle, adaptive equipment and all required city and state licenses; and

(B) Payment of the costs of the vehicle (including loan payments) and insurance premiums.

AUTHORITY: sections 161.092, 178.600, 178.610, 178.620, RSMo 1994. Original rule filed Dec.17, 1999.

PUBLIC COST: This proposed rule is estimated to cost the Missouri Department of Elementary and Secondary Education \$144,378 in Fiscal Year 2001, with the cost reoccurring annually thereafter over the life of the rule. A fiscal note containing a detailed estimated cost of compliance has been filed with the secretary of state.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, Division of Vocational Rehabilitation, 3024 W. Truman Blvd., Jefferson City, MO 65109. To be considered, comments must be

**FISCAL NOTE
PUBLIC ENTITY COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education

Division: 90 – Vocational Rehabilitation

Chapter: 5 – Vocational Rehabilitation Services

Type of Rulemaking: Proposed Rule

Rule Number and Name: 5 CSR 90-5.460 Vehicle Modification

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Dept. of Elementary and Secondary Education	\$144,378 per year for the life of the rule

III. WORKSHEET

Estimated cost is the state portion as averaged over the last two Federal fiscal years. The average of the last two fiscal years is \$677,831. The state portion is figured by multiplying 21.3% times \$677,831. Therefore, the estimated cost is \$144,378 (rounded).

IV. ASSUMPTIONS

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

PROPOSED RULE

10 CSR 10-6.400 Restriction of Emission of Particulate Matter From Industrial Processes. If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency for inclusion in the Missouri State Implementation Plan.

PURPOSE: This regulation restricts the emission of particulate matter in the source gas of an operation or activity except where 10 CSR 10-2.040, 10 CSR 10-3.060, 10 CSR 10-4.040, 10 CSR 10-5.030 and/or 10 CSR 10-6.070 would be applied.

(1) Applicability.

(A) This regulation applies to any operation, process or activity, except the burning of fuel for indirect heating, in which the products of combustion do not come into direct contact with process materials, the burning of refuse, and the processing of salvageable material by burning.

(B) The provisions of this rule shall not apply to the following:

1. Cotton gins;
2. The grinding, crushing and classifying operations at a rock quarry;
3. The receiving and shipping of whole grain from or into a railroad or truck transportation source at a grain elevator;
4. Smoke generating devices, as defined in subsection (2)(D) of this rule, when a required permit or a written determination that a permit is not required has been issued or written; and
5. Batch-type charcoal kilns required to comply with 10 CSR 10-6.330.

(2) Definitions.

(A) Process weight is defined as the total weight of all materials, including solid fuels, introduced into an emission unit, which may cause any emission of particulate matter, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion.

(B) Process weight rate is defined as a rate established as follows:

1. For continuous or long-run steady-state emission units, the total process weight for the entire period of continuous operation or for a typical portion, divided by the number of hours of that period or portion;
2. For cyclical or batch emission units, the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during that period; or
3. Where the nature of any process or operation or the design of any equipment permits more than one (1) interpretation of this section, that interpretation which results in the minimum value for allowable emission shall apply.

(C) For purposes of this regulation, a jobbing cupola is defined in the Springfield-Greene County area as a cupola which has a single melting cycle operated no more than twelve (12) hours in any consecutive twenty-four (24) hours and no more than sixty (60) hours in any consecutive seven (7) days. For the rest of the state of Missouri, a jobbing cupola is defined as a cupola which has a single melting cycle operated no more than ten (10) hours in any consecutive twenty-four (24) hours and no more than fifty (50) hours in any consecutive seven (7) days.

(D) A smoke generating device is defined as a specialized piece of equipment which is not an integral part of a commercial, industrial, or manufacturing process and whose sole purpose is the creation and dispersion of fine solid or liquid particles in a gaseous medium.

(E) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

(A) Emission limitations for all applicable sources except grey iron jobbing cupolas and corn wet milling drying processes.

1. Except as provided for in paragraph (3)(A)2. and paragraph (1)(B) of this rule, no person shall cause, suffer, allow or permit the emission of particulate matter in any one (1) hour from any source in excess of the amount calculated using the following equation for the process weight allocated to that source:

For process weight rates of 60,000 pounds per hour (lb/hr) or less:

$$E = 4.10P^{0.67}$$

and for process weight rates greater than 60,000 lb/hr:

$$E = 55.0P^{0.11} - 40;$$

where:

E = rate of emission in lb/hr; and

P = process weight rate in tons per hour (tons/hr).

2. The limitations established by paragraph (3)(A)1. of this rule shall not require the reduction of particulate matter concentration, based on the source gas volume, below the concentration specified in paragraph (3)(A)2., Table I of this rule for that volume; provided that, for the purposes of this section, the person responsible for the emission may elect to substitute a volume determined according to the provisions of subsection (3)(A)3. of this rule; and provided further that the burden of showing the source gas volume or other volume substituted, including all the factors which determine volume and the methods of determining and computing the volume shall be on the person seeking to comply with the provisions of this section.

Table I

Source Gas Volume, Standard Cubic Foot Per Minute	Concentration Grain Per Cubic Foot
7,000 or less	0.100
8,000	0.096
9,000	0.092
10,000	0.089
20,000	0.071
30,000	0.062
40,000	0.057
50,000	0.053
60,000	0.050
80,000	0.045
100,000	0.042
120,000	0.040
140,000	0.038
160,000	0.036
180,000	0.035
200,000	0.034
300,000	0.030
400,000	0.027
500,000	0.025
600,000	0.024
800,000	0.021
1,000,000 or more	0.020

3. Any volume of gases passing through and leaving an air pollution abatement operation may be substituted for the source gas volume of the emission unit served by the air pollution abatement operation, for the purposes of paragraph (3)(A)2. of this rule, provided that air pollution abatement operation emits no more than

forty percent (40%) of the weight of particulate matter entering; and provided further that the substituted volume shall be corrected to standard conditions and to a moisture content no greater than that of any gas stream entering the air pollution abatement operation.

4. Notwithstanding the provisions of paragraphs (3)(A)1. and (3)(A)2. of this rule, no person shall cause, allow or permit the emission of particulate matter from any source in a concentration in excess of 0.30 grain per standard cubic foot of exhaust gases.

(B) Grey iron jobbing cupolas shall meet the following requirements:

1. Cupolas shall be equipped with gas cleaning devices operated to remove not less than eighty-five percent (85%) by weight of all the particulate matter in the cupola discharge gases or release not more than 0.4 grain of particulate matter per standard cubic foot of discharge gas, whichever is more stringent.

2. All gases, vapors and gas entrained effluents shall be incinerated at a temperature not less than one thousand two hundred degrees Fahrenheit (1200°F) for a period of not less than 0.3 seconds.

(C) All existing corn wet milling drying processes shall be equipped with gas cleaning devices and so operated as to remove not less than ninety-nine and one-half percent (99.5%) by weight of all particulate matter in the dryer discharge gases.

(D) The provisions of this regulation shall not apply to a process during periods when a new fire is being built, during the start-up of the operation, during an operation breakdown or while air pollution control equipment is being cleaned or repaired.

(4) Reporting and Record Keeping. (*Not Applicable*)

(5) Test Methods. The amount of particulate matter emitted shall be determined as specified in 10 CSR 10-6.030(5). Any other method approved by the director.

AUTHORITY: section 643.050, RSMo Supp. 1999. Original rule filed Jan. 14, 2000.

PUBLIC COST: This proposed rule is a consolidation of existing rules. It will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule is a consolidation of existing rules. It will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rule will begin at 9:00 a.m., March 30, 2000. The public hearing will be held at the Days Inn, Hwy. 63 South, Kirksville, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., April 6, 2000. Written comments shall be sent to Chief, Planning Section, Air Pollution Control Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102-0176.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 25—Motor Vehicle Financial Responsibility

PROPOSED RESCISSION

12 CSR 10-25.090 Fees Assessed for Failure to Surrender Drivers License or Registration Plates After Suspension. This rule established procedures for assessment of fees for failure to

surrender drivers license or registration plates after suspension under section 303.041, RSMo.

PURPOSE: This rule is being rescinded because the assessment of fees for failure to surrender drivers license or registration plates after suspension under section 303.041, RSMo, is no longer required with implementation of Senate Bill 19.

AUTHORITY: section 303.290, RSMo 1994. Original rule filed July 6, 1987, effective Oct. 25, 1987. Amended: Filed Nov. 26, 1991, effective April 9, 1992. Rescinded: Filed Jan. 5, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Revenue, Office of Legislation and Regulations, P.O. Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 40—Retail Sales Licenses

PROPOSED AMENDMENT

12 CSR 40-40.090 Eligibility for Licenses. The commission proposes to add sections (2) and (3) to this rule.

PURPOSE: The purpose of this amendment is to clarify those individuals subject to a background investigation prior to licensing as a lottery retailer.

(2) Person is defined as any natural person, firm, corporation, or other legal entity possessing a Department of Revenue retail sales license, as provided by law.

(3) For purposes of licensing “person” refers to the principal owner of a sole proprietorship, principal partner(s) of a partnership, manager of the lottery account within a corporation, and top two (2) officers of a nonprofit organization.

AUTHORITY: section 313.220(2), RSMo [Supp. 1988] Supp. 1999. Original rule filed Sept. 4, 1985, effective Sept. 14, 1985. Amended: Filed March 17, 1987, effective June 11, 1987. Amended: Filed Jan. 12, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 40—State Lottery
Chapter 60—Payment of Prizes
PROPOSED AMENDMENT**

12 CSR 40-60.020 Cash Prizes. The commission proposes to amend section (1), delete subsection (3)(A) and reletter (3)(B), (C) and (D) and add a new subsection (3)(D).

PURPOSE: The purpose of this amendment is to remove the conflict within the rule of setting a specific pay-out time period and allowing the executive director to set pay-out time periods by game.

(1) The director shall have the authority to designate *[in 12 CSR 40-85,]* any game prize to be paid in periodic payments as set forth in this rule. Any prize not designated to be paid in periodic payments **by the player or the director** will be paid in a lump sum.

(3) Periodic payments shall be made as follows:

[(A)] The director shall designate the payment of a periodic prize over a total payment period of not more than twenty (20) years;*]*

[(D)] (A) The director shall designate the length of periodic payment period;

[(C)] (B) The first payment shall be in the first periodic payment period in which the prize is won; thereafter, there shall be one (1) payment per periodic payment period; *[and]*

[(D)] (C) The director *[shall]* may purchase annuities from annuity sellers to provide periodic prize payments under this section. Annuity sellers shall meet the requirements of 12 CSR 40-60.040. *[Annuities shall be created only for specified prize winners or beneficiaries.]* Funds held by an annuity seller under this section are the property of the prize winner or beneficiary and shall not be considered state funds~~./.~~; and

(D) The director may purchase U.S. government securities or other instruments provided for by law for the purpose of funding periodic prize payments. These instruments are held for the benefit of the prize winner or beneficiary and shall not be considered state funds.

AUTHORITY: sections 313.220, *RSMo Supp. 1999* and 313.230(2), *RSMo [1986] 1994*. Original rule filed Jan. 10, 1986, effective Jan. 20, 1986. Amended: Filed Jan. 23, 1986, effective Feb. 1, 1986. Amended: Filed April 27, 1987, effective July 11, 1987. Amended: Filed Jan. 12, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Lottery, Terry Skinner, Director of Budget and Planning, P.O. Box 1603, Jefferson City, MO 65102-1603. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security
PROPOSED RESCISSION**

17 CSR 10-2.010 Regulation and Licensing of Those Providing Private Security Services. This rule established procedures, test-

ing requirements and license fees for those persons employed in the industry.

PURPOSE: Under sections 84.420 and 84.720, *RSMo*, Board has the authority in Kansas City to regulate and license all private security personnel, serving or acting as such. Board wishes to rescind this rule and adopt a new rule in its place in order to clarify the language in the rule and insure compliance with the applicable law.

AUTHORITY: sections 84.420 and 84.720, *RSMo* 1986. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security**

PROPOSED RULE

17 CSR 10-2.010 Regulation and Licensing In General

PURPOSE: Under the provisions of sections 84.420 and 84.720 of the *Revised Statutes of Missouri*, the Board of Police Commissioners of Kansas City, Missouri (board) has the authority and duty to regulate and license all private security personnel, serving or acting as such within Kansas City, Missouri (City). This rule establishes procedures, testing requirements and license fees for those persons required to be licensed.

(1) Board shall have the power and duty to enforce the provisions of these rules and upon complaint of any person or on its own initiative, to investigate violations, or to investigate the business, business practices or business method of any person, firm, company, partnership, corporation or political subdivision applying for or holding a license for providing private security services if, in the opinion of board, the investigation is warranted. Each entity or individual applicant shall be obligated to supply the information, books, papers or records as reasonably may be required concerning proposed business practices or methods. Failure to comply with any reasonable request of board shall be grounds for denying an application for a license or for revoking, suspending or failing to renew a license issued under these rules. Those licensed must maintain the records that board requires which include, but are not limited to, employment records, time records and assignment records along with records required to be kept by federal and state law.

(2) Any license granted under section 84.720 of the *Revised Statutes of Missouri* shall constitute a privilege to do business and shall not invest the one licensed with any contractual interest, inherent right or property interest.

(3) Those licensed to perform private security services have police powers limited to the property which they have been lawfully assigned to protect. With the exception of those licensed as airport police, those licensed under these provisions have no authority to enforce ordinances, statutes or rules on the public streets of city or at any location other than on the property they have been assigned to protect.

(4) Private security licenses are required for each of the following:

(A) Any individual providing private security services within city whether for a licensed private security business or otherwise;

(B) Any firm, company, partnership or corporation that provides private security services; and

(C) Any political subdivision, sole proprietorship, firm, company, partnership or corporation that employs personnel to provide private security service.

(5) No license is required for any peace officer authorized to exercise police powers in Kansas City, Missouri.

(6) Board shall perform its functions under statute and under these regulations through the Private Officers' Licensing Section (POLS) of the Kansas City, Missouri Police Department (Department).

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions more than \$500 in the aggregate. See Fiscal Note—Public Entity Cost.

PRIVATE COST: This proposed rule will cost private entities, including small businesses, more than \$500 in the aggregate. See Fiscal Note—Private Entity Cost.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.010 - Regulation and Licensing In General

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Kansas City, Missouri	\$2,905.00
Jackson County, Missouri	\$350.00
Kansas City International Airport Police	\$2,910.00

III. WORKSHEET

The City of Kansas City, Missouri licenses twenty-one (21) armed security officers and sixty-two (62) unarmed security officers. Jackson County, Missouri licenses nine (9) armed persons and one (1) unarmed person per year. The Kansas City International Airport Police will pay a company fee in the amount of Two Hundred Fifty Dollars (\$250.00) per year after the enactment of these rules. Currently, they do not pay a company fee. The Kansas City International Airport Police currently license seventy (70) armed officers and six (6) unarmed officers. The rates for new armed licenses will increase Sixty-Two Dollars (\$62.00) per year, from Sixty-Three Dollars (\$63.00) per year to One Hundred Twenty-Five Dollars (\$125.00) per year. The rate for new unarmed licenses will increase Thirty-Six Dollars (\$36.00) per year, from Thirty-Three Dollars (\$33.00) per year to Seventy Dollars (\$70.00) per year.

The yearly renewal fees for armed licenses will increase from Thirty-Five Dollars (\$35.00) to Seventy Dollars (\$70.00). The yearly renewal fees for unarmed licensees have increase from Fifteen Dollars (\$15.00)¹ to Fifty Dollars (\$50.00). The number

¹ Under the current licensing fee structure, the renewal fee for an unarmed private investigator is Twenty-Five Dollars (\$25.00), not Fifteen Dollars (\$15.00)

of current licensees in each category was multiplied by the corresponding increase in renewal fees charged in order to assess the fiscal impact to the current licensees.

The City of Kansas City, Missouri will incur costs in the amount of \$35.00 per renewal of armed licenses (21) for an increase of Seven Hundred Thirty-Five Dollars and No Cents (\$735.00) yearly. The City of Kansas City, Missouri will incur costs of \$35.00 per renewal of each of its unarmed licenses (62) for an increase of Two Thousand One Hundred Seventy Dollars and No Cents (\$2,170.00) yearly. The total fiscal impact to the City of Kansas City, Missouri is Two Thousand Nine Hundred Five Dollars and No Cents (\$2,905.00) per year. Jackson County, Missouri will incur costs in the amount of \$35.00 per renewal of armed licenses (9) for an increase of Three Hundred Fifteen Dollars and No Cents (\$315.00) yearly. Jackson County, Missouri will incur costs of \$35.00 per renewal of each of its unarmed licenses (1) for an increase of Thirty-Five Dollars and No Cents (\$35.00) yearly. The total fiscal impact to Jackson County, Missouri is Three Hundred Fifty Dollars and No Cents (\$350.00) per year. The Kansas City International Airport Police will incur costs in the amount of \$35.00 per renewal of unarmed licenses (6) for an increase of Two Hundred Ten Dollars and No Cents (\$210.00) yearly. The Kansas City International Airport Police will incur costs of \$35.00 per renewal of each of its armed licenses (70) for an increase of Two Thousand Four Hundred Fifty Dollars and No Cents (\$2,450.00) yearly. The total fiscal impact to the Kansas City International Airport Police is Two Thousand Six Hundred Sixty Dollars and No Cents (\$2,660.00) per year. The Kansas City International Airport Police will also pay a company fee of Two Hundred Fifty Dollars and No Cents (\$250.00) per year under the Proposed Rules for a total fiscal impact of Two Thousand Nine Hundred Ten Dollars and No Cents (\$2,910.00) per year.

IV. ASSUMPTIONS

These figures assume that neither agency will increase the number of security officers which they are currently licensing nor switch the classifications of the persons they are licensing, i.e., from unarmed to armed. These figures also assume that the City of Kansas City, Missouri and Jackson County, Missouri pay the license fees for those they license, rather than the individual paying the fees themselves. At this time, the City of Kansas City, Missouri and Jackson County, Missouri are not charged a company license fee, therefore, there is no fiscal impact due to the increase in company license fees. These cost calculations take into account yearly renewal fees for existing licensees. If the entity licenses additional persons, the increased cost figures listed above for new licenses should be used.

as it is for other unarmed licensees. Because the new fee structure does not make a distinction between the types of licensees but rather by their status as armed or unarmed, there is no way to assess the fiscal impact to these individuals.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.010 - Regulation and Licensing in General

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
45	Loss Prevention Agents	See Section III.
878	Private Agents	See Section III.
818	Patrol Agent	See Section III.
285	Private Investigators	See Section III.
355	Security Specialists	See Section III.
1496	Guards	See Section III.
133	Armed Couriers	See Section III.
199	Company licenses	\$49,750.00 per year

III. WORKSHEET

The rates for new armed licenses will increase Sixty-Two Dollars (\$62.00) per year. The rate for new unarmed licenses will increase Thirty-Six Dollars (\$36.00) per year. The yearly renewal fees for armed licenses will increase from Thirty-Five Dollars (\$35.00) to Seventy Dollars (\$70.00). The yearly renewal fees for unarmed licensees

will increase from Fifteen Dollars (\$15.00)¹ to Fifty Dollars (\$50.00). In order to assess the fiscal impact to the current individuals licensed as armed, the number of armed licensees must be multiplied by the increase in the fee amount for armed licenses. In order to determine the fiscal impact to the current individuals licensed as unarmed, the number of unarmed licensees must be multiplied by the increase in the fee amount for unarmed licenses. This must be done because the numbers of armed and unarmed licensees within each class, i.e., private agents, patrol agents, etc., is not separately tracked by Board, and the amount of fees charged is dependent on whether the applicant is armed or unarmed, not which class of license they hold. Currently, a total of 2,492 persons hold unarmed licenses. With the renewal fee increase of Thirty-Five Dollars (\$35.00) per person, the total fiscal impact on unarmed licensees is Eighty-Seven Thousand Two Hundred Twenty Dollars and No Cents (\$87,220.00) for the first year. Currently, a total of 1,421 persons hold armed licenses. With the renewal fee increase of Thirty-Five Dollars (\$35.00) per person, the total fiscal impact on armed licensees is Forty-Nine Thousand Seven Hundred Thirty-Five Dollars (\$49,735.00) for the first year. Board is unable to assess the fiscal impact due to new individual licenses as that number cannot be predicted in advance. See Section IV. below.

All firms, companies, partnerships or corporations licensed will pay a company fee in the amount of Two Hundred Fifty Dollars (\$250.00) per year after the enactment of these rules. Currently, they do not pay a company fee. The number of companies holding licenses was multiplied by the new company fee in order to assess the fiscal impact to the current companies holding licenses.

IV. ASSUMPTIONS

These figures assume that the companies will not increase the number of security officers which they are currently licensing nor switch the classifications of the persons they are licensing, i.e., from unarmed to armed. These figures also assume that the companies pay the license fees for those they license, rather than the individual paying the fees themselves.² These cost calculations take into account

¹ Under the current licensing fee structure, the renewal fee for an unarmed private investigator is Twenty-Five Dollars (\$25.00), not Fifteen Dollars (\$15.00) as it is for other unarmed licensees. Because the new fee structure does not make a distinction between the types of licensees but rather by their status as armed or unarmed, there is no way to assess the fiscal impact to these individuals.

² In fact, Board is aware that some companies pay a portion of the licensing fees of their employees and the employees pay the balance. Board keeps no record of how the various companies operate and how they pay their fees. Therefore, the actual cost to these companies cannot be assessed and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee

renewal fees for existing licensees. If the company licenses additional persons, the increased cost figures listed above for new licenses should be used.

for the individuals holding licenses with the company.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.020 Application for a License. In order to promote and protect the public welfare, Board investigated the background, qualifications and ability of all applicants. Application forms were provided by Board and all applicants used these forms.

PURPOSE: Board wishes to rescind this rule and adopt a new rule in its place in order to clarify the language in the rule and insure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1986. Original rule filed Dec. 5, 1979, effective March 17, 1980. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities, including small businesses, more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.020 Application for a License

PURPOSE: In order to promote and protect the public welfare, Board shall investigate the background, qualifications and ability of all applicants. Application forms provided by board shall be used by all applicants.

(1) All individual applicants are required to complete an "Employers Application for Employment of Private Security 'Intent to Hire Form'" (Form 5409 P.D.). All firms, companies, partnerships, corporation, sole proprietorships and political subdivisions to be licensed under the provisions of section (5) below shall complete "Application for Company License" (Form 5486 P.D.).

(2) Board shall conduct a background investigation of each applicant, including investigations required by section 84.720 of the *Revised Statutes of Missouri*.

(3) Each applicant shall submit to photographing and fingerprinting and shall provide proof of identity by submitting with the application, a photo identification card, original Social Security card, proof of citizenship, Military DD214, name change documentation or other equivalent identification.

(4) Each applicant shall provide any additional information required by board to conduct its investigation and shall comply with all requests of board in the conduct of its investigation for a license under these rules.

(5) Firms, companies, partnerships, corporations, sole proprietorships or political subdivisions engaging in the business of providing private security services or firms, companies, partnerships, corporations, sole proprietorships or political subdivisions that employ other individuals to perform private security services shall be licensed in addition to any individual license required under these rules. Any license granted under this section shall be designated "company license." All licensed companies are required to annually pay a company fee by December 31 of each year and are required to comply with the terms of this regulation and all federal, state and local laws. Failure to pay such fee will result in the suspension of the company license. In the absence of the annual company license, all licenses granted to employees or agents of that company are automatically suspended.

(6) Before being licensed under these rules, individual and company applicants shall file with board a certificate of liability insurance in the amount of one (1) million dollars or the equivalent, naming board as an additional insured and certificate holder and protecting board from liability judgments, suits and claims, including, but not limited to, suits for bodily injury, personal injury, including false arrest, libel, slander, invasion of privacy and property damage arising out of the licensing of individuals and entities providing private security services. The insurance must be written by a company approved by the Missouri superintendent of insurance and approved by board with respect to its form, manner of execution and sufficiency, provided further however, before a license is issued to a nonresident, the applicant must file with the Missouri secretary of state a written consent for jurisdiction of the courts of Missouri, and any case(s) arising from any contract for performance of private security services made within city are to be performed wholly or in part, in the city or in any way connected with the business within the city or occurring in connection with the business of the one licensed within the city. Any company licensed must provide the insurance specified and cover all employees, provided however, that in the event a suit is filed or claim is made involving board, the company shall immediately notify board at which time the licensee may be required to furnish additional insurance. Failure of a licensee to maintain insurance is grounds for revocation. In the absence of adequate insurance, all licenses granted to employees or agents of that company are automatically suspended. Equivalent shall mean a bond in like amount or a certificate of self-insurance by a company with audited net worth of five (5) million dollars. Each certificate of insurance must stipulate coverage for armed/unarmed personnel as appropriate.

(7) When, in the opinion of board, an applicant has fulfilled the requirements of these rules, board may issue the applicant a license to provide private security services.

(8) All those licensed under these rules shall immediately notify board in writing of any change of address or employment; a company shall notify board in writing of the termination of employment of any person listed on the company application or any licensed employee.

(9) Licenses, issued under these rules, are not transferable or assignable and shall be returned to board upon termination of employment or by the licensee upon his/her ceasing to operate or perform as a licensee. If the license is lost or stolen, the license holder shall immediately notify board and provide a lost card affidavit signed by a company representative. Any person licensed under these rules may hold a maximum of three (3) licenses. All

employing companies must provide written consent for dual or multiple licenses.

(10) All those licensed may be requested to furnish a description of all vehicles to be used in the course of their business, including state license numbers, vehicle identification numbers, and provide proof of adequate automobile liability insurance coverage in accordance with the requirements established by the state of Missouri. Use of any sign, signal or other device contrary to the ordinance of the city, or which is similar in appearance to those used by the department is prohibited and may be grounds for suspension or revocation of a license. No private security company or individual is authorized to operate any emergency vehicle as that term is defined by state law or city ordinance without the prior approval of board.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities, including small businesses, more than \$500 in the aggregate. See Fiscal Note—Private Entity Cost.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.020 - Application for a License

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
199 ¹	Firms, companies, partnerships and corporations	\$597,000.00
25 ²	Firms, companies, partnerships and corporations	\$75,000.00

III. WORKSHEET

There are currently One Hundred Ninety-Nine (199) firms, companies, partnerships and corporations³ licensed by the Board of Police Commissioners of

¹ This is the number of companies currently licensed.

² This is the number of new companies which Board anticipates will apply for a license in the next year.

³ Throughout these fiscal notes, the firms, companies, partnerships and corporations which hold licenses are referred to as "companies" and the licenses they hold as company licenses. Board recognizes that the "companies" are actually organized in various forms under the law. The references to "company"

Kansas City, Missouri.⁴ Each corporation is required to carry a certificate of liability insurance in the amount of One Million Dollars (\$1,000,000.00) or the equivalent naming Board as an additional insured and certificate holder. The equivalent means a bond in like amount or a self-insurance certificate if the company has an audited net worth of Five Million Dollars (\$5,000,000.00). Using the figure of Three Thousand Dollars (\$3,000.00) per year per company, the resulting fiscal impact to the 199 companies currently holding licenses would be Five Hundred Ninety-Seven Thousand Dollars (\$597,000). Assuming twenty-five (25) new companies apply for licenses in the next year, the resulting fiscal impact to those entities would be Seventy-five Thousand Dollars (\$75,000.00)

IV. ASSUMPTIONS

Board is unable to exactly calculate the fiscal impact of this insurance requirement to the companies licensed. The cost of insurance varies depending on the insurance company's loss experience with the insured, the security company's payroll, whether the security company employs armed or unarmed security officers, the nature and location of their business and many other factors which cannot be precisely calculated by Board.

Based on information available to Board, it appears that on average the insurance cost to a company, firm or corporation is approximately Three Thousand Dollars (\$3,000.00) per year. That figure was used to calculate the fiscal impact of this rule.

For a discussion of the fiscal impact of requiring private entities to purchase a company license, see Private Entity Fiscal Note for 17 CSR 10-2.040.

and "company license" are made for ease of reference.

⁴ Throughout these fiscal notes, the Board of Police Commissioners of Kansas City, Missouri will be referred to as "Board."

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.030 Classifications of Licenses. This rule established minimum qualification standards and classification of licenses related to specific private security services provided.

PURPOSE: Board wishes to rescind this rule and adopt a new rule in its place in order to clarify the language in the rule and insure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1986. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.030 Classification of Licenses

PURPOSE: This rule establishes minimum qualification standards and classification of licenses related to specific private security services provided.

(1) Individual licenses to private security services granted pursuant to this chapter shall be classified as either Class A licenses or Class B licenses, and shall be issued pursuant to the authority conveyed upon the licensee.

(A) Class A licensees shall have the authority to detain or apprehend suspects either committing felonies, misdemeanors or city ordinance violations in the presence of the licensee or during the attempt to commit the same or upon probable cause to believe an offense was committed; provided, however, the authority is limited to the property the licensee is hired to protect during the hours s/he is hired to protect said property and is not to extend to the public streets of City with the exception of suspects fleeing from private property. In that case, the authority shall extend to the public streets so long as there is hot pursuit and the suspect has not attempted escape in a vehicle and further excepting airport police officers whose authority is set forth in this rule. Class A licenses may be further classified pursuant to the following titles, designations and authorities:

1. Loss prevention agent—One who is unarmed, nonuniformed and is responsible to observe, investigate, apprehend and prosecute shoplifters, fraud checks, internal thefts and the like. This individual is employed to prevent theft by unobtrusive, alert skills;

2. Patrol agent—Armed or unarmed, uniformed position delegated all the responsibility of a guard with the authority to react to illegal action by apprehension or detention. Persons, such as bank guards and hospital security, are normally assigned to a particular designated post to protect persons and property. This individual may also be responsible for proactive, aggressive policing of the property they are hired to protect. These responsibilities include foot patrol, response to alarms, self-initiated activity such as car and pedestrian checks on designated private property, investigations, apprehension or detention of suspects and assisting in prosecution;

3. Private investigators—An armed or unarmed nonuniformed position responsible for proactive, aggressive investigations of all illegal activities which impact the person or property they are hired to protect. The qualification for this classification is set out in 17 CSR 10-2.050(1)(C);

4. Airport police—Armed and uniformed position responsible for patrolling the areas in and around the Kansas City International Airport. Airport police personnel shall be required to have a Class A license. Officers with licenses pursuant to this subclassification have the following authority, in addition to those created by the Class A license: The Class A license that has the airport police designation shall have authority to enforce city ordinance and state statute violations upon the public streets of city, but only upon the streets within the boundaries of the Kansas City International Airport and the Kansas City Downtown Airport. The Class A license that has the designation unarmed "traffic control officer" shall have the authority to control traffic and issue citations for parking violations.

5. Duly qualified and licensed members and employees of the Federal Protective Service of the General Services Administration (GSA) shall have police authority to enforce city traffic laws on GSA property. This shall not include any authority to detain or apprehend except as provided by federal law and except as necessary to protect against bodily injury or death of the licensee or others.

(B) Class B licenses shall not grant the authority for the licensees to detain or apprehend suspects. An applicant shall designate the particular subclassification listed in this subsection when applying for a Class B license. An applicant must make a separate application when applying for a Class B license designating more than one (1) subclassification of authority. The license identification issued by board shall designate which subcategory of a Class B license has been granted.

1. Guard—A guard is an unarmed uniformed position with primary responsibilities being to watch and report on/or in a specific premises or designated area, to escort or guide, to control crowds, give directions, control access for the purposes of offering assistance for the safety of others. The guard has no authority to detain or apprehend a person suspected of committing a crime.

2. Armed courier—An armed, uniformed position primarily responsible for the protection and transport of money and other valuables from one (1) designated area to another. This licensee has the authority to conduct private security services on the public streets of city, but this authority is limited to protecting property from activities which would impact the property protected. The courier must meet the qualifications relating to authority to carry a firearm, as referred to elsewhere in this chapter.

3. Special event—A special category Class B license may be granted for single date events. The license may require only criminal records checks and certification by the applicant that s/he understands the limits of his/her authority.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security
PROPOSED RESCISSION

17 CSR 10-2.040 Application and Licensing Fee. Board, in order to administer its responsibilities in the area of regulation and licensing of private security personnel, established a schedule of licensing fees.

PURPOSE: Board wishes to rescind this rule and adopt a new rule in its place in order to insure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1986. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners, 1125 Locust, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.040 Application Forms and Licensing Fees

PURPOSE: Board, in order to administer its responsibilities in the area of regulation and licensing of private security personnel, shall establish a schedule of licensing fees and list of approved forms.

(1) The fees for licensing, renewing, transferring, etc., are as follows:

(A) Annual Agency License	\$250.00
(B) Class A—Armed License	\$125.00
(C) Class A—Armed License—Renewal Fee	\$70.00
(D) Class A—Unarmed License	\$70.00
(E) Class A—Unarmed License—Renewal Fee	\$50.00
(F) Class B—Armed License	\$125.00
(G) Class B—Armed License—Renewal Fee	\$70.00
(H) Class B—Unarmed License	\$70.00
(I) Class B—Unarmed License—Renewal Fee	\$50.00
(J) Replacement of Lost/Stolen License	\$50.00
(K) Dual License	\$50.00
(L) Change of Company Name	\$50.00
(M) License Upgrade	\$50.00
(N) Rescheduling Fee—(test failure, fail to qualify or attend range)	\$50.00
(O) Weapon Change	\$50.00
(P) License Transfer	\$25.00
(Q) Copy Fee	\$5.00

(2) Only cash or company checks are accepted in payment of fees.

(3) Board will provide forms for applicants to use.

(A) Form 5001 P.D., "Information for Private Security Personnel," provides basic information to private security personnel which includes the source of board's authority to license private security personnel; information on the classifications of licenses; the duties and authority of the various license classifications; information concerning firearms qualification; and scheduling and directions to the police pistol range.

(B) Form 5297 P.D., "Instructions for Licensing a Company to Employ Private Security Personnel," provides instructions for licensing a company to employ private security personnel which includes instructions concerning the required certificate of liability insurance; required documents; fee required; background check information; lists the private officer license classifications; procedures for monthly invoices; and information concerning the required examination and firearms qualification.

(C) Form 5391 P.D., "Instructions for Handling Renewal Sheets," is the instruction form dealing with monthly renewal sheets. It includes list of fees and directions on how to complete and where to send completed renewal sheets.

(D) Form 5409 P.D. is the "Employer's Application for Employment of Private Security 'Intent to Hire.'" This is the basic application form for individual licensees which requests the following information: name of business, address and telephone number; the individual applicant's name, address and telephone number, date of birth and Social Security number; the type of license being applied for; and if armed, the make, model, caliber and serial number of the firearm the applicant intends to carry. The form must be signed by both the individual applicant and an authorized company representative. The signatures must be notarized.

(E) Form 5486 P.D. is the "Application for Company License." This form is the basic application form for companies wishing to regularly work or employ persons to engage in private security or investigative businesses in the City of Kansas City, Missouri. It requires the following information: the agency's trade name; the agency's legal name, its address, its mailing address and business phone; the principal name of the company and home office address and telephone; whether the agency is using a fictitious name and whether that name is registered with the Missouri secretary of state; whether the business is a corporation registered in a state other than Missouri but doing business in Missouri; a copy of the agency's registration in Missouri and certificate of good standing from the Missouri secretary of state if appropriate; a description of the agency; information concerning whether a license issued by any governmental entity to the company has ever

been denied, suspended or revoked; a description of the uniform along with a photograph and patch to be worn by the company's personnel; the approximate number of persons to be licensed; a list of all company-owned firearms; a list of the names, addresses and capacities of each of the owners, partners, officers, directors and associates of the agency; a list of the agency's contact persons who are authorized to sign and do business with board; information and proof that the persons listed in the application are U.S. citizens; and the agency's federal employment identification number (E.I.N.).

(F) Form 5715 P.D. is the "Verification of Firearms Training" form. This form requires an individual and his/her instructor to certify that the applicant has been trained in the use of the firearm the applicant intends to carry on duty. Information concerning what the training must include appears on the form. The form must be signed by the instructor and the instructor's company must be listed.

(G) Form 5636 P.D. is the "Weapons Discharge Report." This form is designed to report information whenever a private officer discharges his/her firearm. Information which must be provided on the form includes: the name of the licensee and date the license expires; the licensee's weapon make, model and serial number; the location of the incident; the time of the incident; the name of the licensee's supervisor and the time they were notified of the discharge; whether the licensee was on-duty and in uniform; whether any fatalities or injuries resulted from the discharge; whether the shooting was accidental or intentional; the Kansas City, Missouri Police Department's case report number in connection with the incident; a narrative description of what transpired; the signature of the licensee along with the licensee's date of birth; and the signature of the company representative along with the company name and address.

(H) Form 253 P.D. is the department's fingerprint card upon which the applicant's fingerprints will be taken. A separate card provided by the Federal Bureau of Investigation is also used to provide the applicant's fingerprints to the Missouri State Highway Patrol. Form 180 P.D. is a "Fingerprint Request" form which is directed to the Identification Unit of the Kansas City, Missouri Police Department and used in order to request that an applicant's fingerprints be taken. The applicant's full name and the position they are requesting appears on the form along with the name, and serial number of the person issuing the request for fingerprints.

(I) Form 5707 P.D. is a "Temporary License Extension" form. It requests the date, the name of the licensee, their date of birth and their employer's name. This form provides a temporary license to those who have not yet attended their scheduled firearms qualification date.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions more than \$500 in the aggregate. See Fiscal Note—Public Entity Cost.

PRIVATE COST: This proposed rule will cost private entities, including small businesses, more than \$500 in the aggregate. See Fiscal Note—Private Entity Cost.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after

publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.040 - Application Forms and Licensing Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Kansas City, Missouri	\$2,905.00
Jackson County, Missouri	\$350.00
Kansas City International Airport Police	\$2,910.00

III. WORKSHEET

The City of Kansas City, Missouri licenses twenty-one (21) armed security officers and sixty-two (62) unarmed security officers. Jackson County, Missouri licenses nine (9) armed persons and one (1) unarmed person per year. The Kansas City International Airport Police will pay a company fee in the amount of Two Hundred Fifty Dollars (\$250.00) per year after the enactment of these rules. Currently, they do not pay a company fee. The Kansas City International Airport Police currently license seventy (70) armed officers and six (6) unarmed officers. The rates for new armed licenses will increase Sixty-Two Dollars (\$62.00) per year, from Sixty-Three Dollars (\$63.00) per year to One Hundred Twenty-Five Dollars (\$125.00) per year. The rate for new unarmed licenses will increase Thirty-Six Dollars (\$36.00) per year, from Thirty-Three Dollars (\$33.00) per year to Seventy Dollars (\$70.00) per year.

The yearly renewal fees for armed licenses will increase from Thirty-Five Dollars (\$35.00) to Seventy Dollars (\$70.00). The yearly renewal fees for unarmed licensees have increase from Fifteen Dollars (\$15.00)¹ to Fifty Dollars (\$50.00). The number

¹ Under the current licensing fee structure, the renewal fee for an unarmed private investigator is Twenty-Five Dollars (\$25.00), not Fifteen Dollars (\$15.00)

of current licensees in each category was multiplied by the corresponding increase in renewal fees charged in order to assess the fiscal impact to the current licensees.

The City of Kansas City, Missouri will incur costs in the amount of \$35.00 per renewal of armed licenses (21) for an increase of Seven Hundred Thirty-Five Dollars and No Cents (\$735.00) yearly. The City of Kansas City, Missouri will incur costs of \$35.00 per renewal of each of its unarmed licenses (62) for an increase of Two Thousand One Hundred Seventy Dollars and No Cents (\$2,170.00) yearly. The total fiscal impact to the City of Kansas City, Missouri is Two Thousand Nine Hundred Five Dollars and No Cents (\$2,905.00) per year. Jackson County, Missouri will incur costs in the amount of \$35.00 per renewal of armed licenses (9) for an increase of Three Hundred Fifteen Dollars and No Cents (\$315.00) yearly. Jackson County, Missouri will incur costs of \$35.00 per renewal of each of its unarmed licenses (1) for an increase of Thirty-Five Dollars and No Cents (\$35.00) yearly. The total fiscal impact to Jackson County, Missouri is Three Hundred Fifty Dollars and No Cents (\$350.00) per year. The Kansas City International Airport Police will incur costs in the amount of \$35.00 per renewal of unarmed licenses (6) for an increase of Two Hundred Ten Dollars and No Cents (\$210.00) yearly. The Kansas City International Airport Police will incur costs of \$35.00 per renewal of each of its armed licenses (70) for an increase of Two Thousand Four Hundred Fifty Dollars and No Cents (\$2,450.00) yearly. The total fiscal impact to the Kansas City International Airport Police is Two Thousand Six Hundred Sixty Dollars and No Cents (\$2,660.00) per year. The Kansas City International Airport Police will also pay a company fee of Two Hundred Fifty Dollars and No Cents (\$250.00) per year under the Proposed Rules for a total fiscal impact of Two Thousand Nine Hundred Ten Dollars and No Cents (\$2,910.00) per year.

IV. ASSUMPTIONS

These figures assume that neither agency will increase the number of security officers which they are currently licensing nor switch the classifications of the persons they are licensing, i.e., from unarmed to armed. These figures also assume that the City of Kansas City, Missouri and Jackson County, Missouri pay the license fees for those they license, rather than the individual paying the fees themselves. At this time, the City of Kansas City, Missouri and Jackson County, Missouri are not charged a company license fee, therefore, there is no fiscal impact due to the increase in company license fees. These cost calculations take into account yearly renewal fees for existing licensees. If the entity licenses additional persons, the increased cost figures listed above for new licenses should be used.

as it is for other unarmed licensees. Because the new fee structure does not make a distinction between the types of licensees but rather by their status as armed or unarmed, there is no way to assess the fiscal impact to these individuals.

This Proposed Rule also increases the fees for license transfers, dual licenses, upgrading a license, changing a company's name, replacement of lost or stolen licenses and institutes a copy fee. Because Board is unable to estimate in advance how many persons will lose their license, have their license stolen, require that copies be made, etc., the fiscal impact cannot be estimated. Again, Board would not know whether the public entities or the individual licensees would be paying these fees and therefore, the impact to the entities is uncertain for that reason as well. Upgrading a license is discussed in the Fiscal Notes accompanying 17 CSR 10-2.050.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.040 - Application Forms and Licensing Fees

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
45	Loss Prevention Agents	See Section III.
878	Private Agents	See Section III.
818	Patrol Agent	See Section III.
285	Private Investigators	See Section III.
355	Security Specialists	See Section III.
1496	Guards	See Section III.
133	Armed Couriers	See Section III.
199	Company licenses	\$49,750.00 per year

III. WORKSHEET

The rates for new armed licenses will increase Sixty-Two Dollars (\$62.00) per year. The rate for new unarmed licenses will increase Thirty-Six Dollars (\$36.00) per year. The yearly renewal fees for armed licenses will increase from Thirty-Five Dollars (\$35.00) to Seventy Dollars (\$70.00). The yearly renewal fees for unarmed licensees

will increase from Fifteen Dollars (\$15.00)¹ to Fifty Dollars (\$50.00). In order to assess the fiscal impact to the current individuals licensed as armed, the number of armed licensees must be multiplied by the increase in the fee amount for armed licenses. In order to determine the fiscal impact to the current individuals licensed as unarmed, the number of unarmed licensees must be multiplied by the increase in the fee amount for unarmed licenses. This must be done because the numbers of armed and unarmed licensees within each class, i.e., private agents, patrol agents, etc., is not separately tracked by Board, and the amount of fees charged is dependent on whether the applicant is armed or unarmed, not which class of license they hold. Currently, a total of 2,492 persons hold unarmed licenses. With the renewal fee increase of Thirty-Five Dollars (\$35.00) per person, the total fiscal impact on unarmed licensees is Eighty-Seven Thousand Two Hundred Twenty Dollars and No Cents (\$87,220.00) for the first year. Currently, a total of 1,421 persons hold armed licenses. With the renewal fee increase of Thirty-Five Dollars (\$35.00) per person, the total fiscal impact on armed licensees is Forty-Nine Thousand Seven Hundred Thirty-Five Dollars (\$49,735.00) for the first year. Board is unable to assess the fiscal impact due to new individual licenses as that number cannot be predicted in advance. See Section IV. below.

All firms, companies, partnerships or corporations licensed will pay a company fee in the amount of Two Hundred Fifty Dollars (\$250.00) per year after the enactment of these rules. Currently, they do not pay a company fee. The number of companies holding licenses was multiplied by the new company fee in order to assess the fiscal impact to the current companies holding licenses.

IV. ASSUMPTIONS

These figures assume that the companies will not increase the number of security officers which they are currently licensing nor switch the classifications of the persons they are licensing, i.e., from unarmed to armed. These figures also assume that the companies pay the license fees for those they license, rather than the individual paying the fees themselves.² These cost calculations take into account

¹ Under the current licensing fee structure, the renewal fee for an unarmed private investigator is Twenty-Five Dollars (\$25.00), not Fifteen Dollars (\$15.00) as it is for other unarmed licensees. Because the new fee structure does not make a distinction between the types of licensees but rather by their status as armed or unarmed, there is no way to assess the fiscal impact to these individuals.

² In fact, Board is aware that some companies pay a portion of the licensing fees of their employees and the employees pay the balance. Board keeps no record of how the various companies operate and how they pay their fees. Therefore, the actual cost to these companies cannot be assessed and it must be assumed that for purposes of this fiscal note that the companies pay the entire fee

renewal fees for existing licensees. If the company licenses additional persons, the increased cost figures listed above for new licenses should be used.

This Proposed Rule also increases the fees for license transfers, dual licenses, upgrading a license, changing a company name, replacement of lost or stolen licenses and institutes a copy fee. Because Board is unable to estimate in advance how many persons will lose their license, transfer their license to a new company, apply for a dual license, etc., the fiscal impact cannot be estimated. Again, Board would not know whether the companies or the individual licensees would be paying these fees and therefore, the impact to businesses is uncertain for that reason as well. Upgrading a license is discussed in the Fiscal Notes accompanying 17 CSR 10-2.050.

for the individuals holding licenses with the company.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.050 Testing Requirements and Qualification Standards. In accordance with the recommendation of numerous experts in the field, Board established qualification standards pursuant to the duties carried out by individuals providing private security services.

PURPOSE: Board wishes to rescind this rule and adopt a new rule in its place in order to clarify the language in the rule and to insure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Amended: Filed April 14, 1997, effective Oct. 30, 1997. Rescinded: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.050 Testing Requirements and Qualification Standards

PURPOSE: In accordance with generally recognized policing standards, board has established testing requirements for those seeking individual licensing pursuant to these provisions, and has established qualification standards pursuant to the duties carried out by individuals providing private security services.

(1) All applicants for licensing shall successfully pass a written examination as presented by department to potential licensees. Board establishes categories of testing that reflect responsibilities and qualifications required for the type of licensing sought by the applicant. Information for each testing phase will be available from the Private Officers Licensing Section (POLS). In order to obtain a license as an armed security person, the applicant must successfully complete the required training and successfully qualify annually with their weapon. The qualification will be equivalent to that required for department police officers. In addition, any person holding an armed license shall requalify any time they change to a weapon of a different caliber or style (i.e., revolver to semi-auto-

matic, .38 caliber to .40 caliber, etc.). A requalify fee will be charged anytime a weapon change is made.

(A) Applicants for Class A licensing, in addition to those topics listed in subsection (1)(B) of this rule, shall also be tested on crime and criminal liability, firearms responsibility and liability, and patrol techniques. Class A licenses issued to those requesting designation as private investigators shall also be tested on investigative techniques, the role of the investigator in police notification and illegal electronic surveillance.

(B) Applicants for Class B licensing as provided in this chapter shall be tested on detention and seizure, how to interact with the general public and public officials, the licensing process, including rules, how to react to crisis situations and liability issues.

(C) Applicants for private investigator must possess a high school diploma and one of the following: A two (2) year degree in Administration of Criminal Justice or a bachelor's degree; two (2) consecutive years' prior investigative experience in law enforcement, military police or military intelligence functions; or two (2) years consecutive experience with a licensed private security agency, and be certified by that agency as to knowledge of the law and investigative techniques.

(2) A person failing to obtain a passing score as established by board may be allowed to retake the written test three (3) times. An additional fee and a new Form 5409 P.D. is required each time the test is retaken. The test may not be taken more than one time per day. An applicant shall have the right to review their test. POLS may refuse to test any person if evidence exists that there is grounds for denial of the license.

(3) As all applicants for Class A licenses are granted the authority to detain or apprehend, each applicant or his/her employer must certify to the satisfaction of board that the applicant is physically capable of being able to safely detain or apprehend suspects without the necessity of resorting to the displaying or discharging of a weapon except in self-defense or in defense of another. Board may investigate the certification and may reject the application if there is evidence that the certification is false or incorrect.

(4) Additionally, each applicant for a license under these provisions shall meet these standards—

(A) Be a citizen of the United States;

(B) Be at least twenty-one (21) years of age to hold an armed license and be at least eighteen (18) years of age to hold an unarmed license;

(C) Be able to read, write and understand the English language;

(D) Meet physical and mental standards equivalent to those required of department police officers;

(E) Be capable of understanding and performing the duties and responsibilities of a licensee;

(F) If the applicant served in the Armed Forces of the United States within ten (10) years prior to the date of application, the final discharge of the applicant from the armed forces must be honorable or general under honorable conditions;

(G) Be of good moral character by having no felony, misdemeanor or city ordinance convictions involving moral turpitude;

(H) Have no felony conviction, and in addition, for armed applicants, have no felony or misdemeanor convictions for domestic violence assault or have issued against them a full order of protection issued after a hearing by a court of competent jurisdiction;

(I) Not be on probation as the result of any federal, state or city ordinance violation except probation assessed as a result of a violation of city traffic ordinances;

(J) Not be awaiting a court date or have any trial date pending on any arrest. Such persons will be denied until such time as the case or cases have been finally adjudicated;

- (K) Have no prior revocation of a security license; and
- (L) Be free of any type of chemical dependency.

(5) When an applicant has successfully completed the requirements as established herein, board may issue a license. Additionally, an applicant may be denied a license for any of the following reasons:

- (A) Failing to meet the standards as set out herein;
- (B) Falsifying information provided to POLS to establish eligibility. Applicants who falsify documents shall be ineligible to receive a private security license and cannot reapply for at least six (6) months after the false information was submitted;
- (C) Failing to provide information deemed necessary in order to establish eligibility;
- (D) Providing references, employment background, or both, which indicate a poor or unsatisfactory character or work record;
- (E) Providing other facts or actions which demonstrate that the applicant is unsuitable or ineligible for license; and
- (F) Being terminated from or resigning under investigation or threat of discharge from the department shall make an individual ineligible for a license, but s/he may appeal to board pursuant to the appeal process contained in this chapter.

(6) Applicants and their employers, in the event of license denial, will be given a written notification. Applicants may appeal in writing to board within thirty (30) days of denial notification. The appeal should contain a brief statement responding to the reasons for denial. Board will then notify the applicant in writing of its formal decision on the matter. Applicants have no right to a hearing or presentation to board.

(7) Board reserves the right to prohibit the holder of a license from carrying any firearm.

(8) All licenses granted by board as set out herein may be temporary until the completion of the applicant's background investigation.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Amended: Filed April 14, 1997, effective Oct. 30, 1997. Rescinded: Filed Dec. 15, 1999. Readopted: Filed Jan. 13, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities, including small businesses, more than \$500 in the aggregate. See Fiscal Note—Private Entity Cost.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.050 - Testing Requirements and
Qualification Standards

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
45	Loss Prevention Agents	\$100.00
878	Private Agents	\$3,950.00
818	Patrol Agent	\$3,950.00
285	Private Investigators	\$3,950.00
355	Security Specialists	\$3,950.00
1496	Guards	\$3,850.00
133	Armed Couriers	\$3,900.00

III. WORKSHEET

The current fee for upgrading a license and for rescheduling a test or a range qualification due to either failure or an absence is Ten Dollars (\$10.00). The new rescheduling fee and fee for an upgrade would increase to Fifty Dollars (\$50.00). Board estimates that approximately seventy-nine (79) private agents will fail to appear at the firearms range for qualification, fail to qualify, will upgrade their license or will fail the test resulting in a fiscal impact of \$3,950.00 (79 multiplied by \$50.00); seventy-nine (79) patrol agents will fail to appear at the range for qualification, fail

to qualify, will upgrade their license or will fail the test resulting in a fiscal impact of \$3,950.00 (79 multiplied by \$50.00); seventy-nine (79) private investigators will fail to appear at the range for qualification, fail to qualify, will upgrade their license or will fail the test resulting in a fiscal impact of \$3,950.00 (79 multiplied by \$50.00); seventy-nine (79) security specialists will fail to appear at the range for qualification, fail to qualify, will upgrade their license or will fail the test resulting in a fiscal impact of \$3,950.00 (79 multiplied by \$50.00); seventy-seven (77) guards will fail to appear at the range for qualification, fail to qualify, will upgrade their license or will fail the test resulting in a fiscal impact of \$3,850.00 (77 multiplied by \$50.00); and seventy-eight (78) armed couriers will fail to appear at the range for qualification, fail to qualify, will upgrade their license or will fail the test resulting in a fiscal impact of \$3,900.00). Because loss prevention agents are not armed positions, Board estimates that only two (2) individuals will upgrade their license or fail the test resulting in a fiscal impact of \$100.00 (2 multiplied by \$50.00).

IV. ASSUMPTIONS

Under the Proposed Rule, there is no longer an initial charge for taking the test or qualifying at the firearms range, only for upgrading a license. Therefore, the primary fiscal impact will be reflected in the fiscal note for 17 CSR 10-2.040. The impact assessed above deals only with the increase in the rescheduling fees and for upgrading a license. A rescheduling fee is assessed whenever a person fails to qualify at the firearms range, fails to pass the licensing test or fails to appear for either the test or the qualification at the range. An upgrade fee is charged only when a person wishes to upgrade their license from unarmed to armed. If none of the licensees working for the private entity fails the test or firearms qualification, decides to upgrade their license, etc., no fiscal impact would result. Board is unable to determine exactly how many persons licensed will need to reschedule, upgrade, etc., however, based on past experience, Board estimates that approximately seventy-nine (79) private agents will fail to appear at the firearms range for qualification, fail to qualify, will upgrade their license or will fail the test; seventy-nine (79) patrol agents will fail to appear at the range for qualification, fail to qualify, will upgrade their license or will fail the test; seventy-nine (79) private investigators will fail to appear at the range for qualification, fail to qualify, will upgrade their license or will fail the test; seventy-nine (79) security specialists will fail to appear at the range for qualification, fail to qualify, will upgrade their license or will fail the test; seventy-seven (77) guards will fail to appear at the range for qualification, fail to qualify, will upgrade their license or will fail the test; and seventy-eight (78) armed couriers will fail to appear at the range for qualification, fail to qualify, will upgrade their license or will fail the test. Because loss prevention agents are not armed positions, Board estimates that only two (2) individuals will upgrade their license or fail the test..

Any calculation made would also necessarily assume that the individuals licensed will pay the fee should a need to reschedule or upgrade occur, rather than the companies for which they work. Board is unfamiliar with the practices of these

private entities and would be unable to determine whether the entity or the individual would pay the fee.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.055 Firearms Qualifications. Applicants seeking licenses for positions authorized to carry approved firearms had to be certified as qualified to carry those firearms pursuant to requirements as were established by Board from time-to-time.

PURPOSE: Board wishes to rescind this rule and adopt a new rule in its place in order to clarify the language in the rule and insure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1986. Original rule filed May 28, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.055 Firearms Regulations and Qualification

PURPOSE: Applicants seeking licenses for positions authorized to carry approved firearms must be certified as qualified to carry those firearms pursuant to requirements as established by board herein.

(1) A licensee is authorized to carry only firearms approved by board and only if the licensee has qualified with that firearm as set out herein. All licensees must have a completed verification of Firearms Training Form before reporting to department shooting range. The firearms approved by board are as follows: .38 caliber, double or single action pistols or solid frame revolvers (five or six shot); .357 revolvers with .38 caliber ammunition; and semi-automatics, double action only or double/single action, which are equipped with a decocker or decocker safety. This requirement limits the semi-automatics which may be carried to .380, .40, .45, 9mm and 10mm calibers.

(2) All applicants seeking licensure for positions for which firearms may be possessed must qualify annually with the firearm(s) on an approved shooting range and pursuant to the passing of a firearms instructor. The firearms qualifications standards shall be in accordance with those established by department for its officers.

(3) An applicant must display the ability to safely and properly handle his/her approved weapon.

(4) An applicant who is determined by the range instructor to be unqualified or incapable of handling a weapon shall not be licensed.

(A) Any applicant who displays an inability to handle a weapon safely and properly will be disqualified from carrying a firearm.

(B) An applicant who does not attain the minimum scores for qualification shall be given a maximum of two (2) additional opportunities to qualify.

(5) In addition to the applicant successfully passing an approved firearms qualification test, the applicant or his/her employer must satisfy the physical certification requirements for a Class A license as established herein.

(6) Uniformed persons holding an armed license may wear their approved firearm with their uniform while at work and while traveling directly to and from work.

(7) Private officers must comply with city ordinance and state law which prohibits carrying a firearm or other weapon readily capable of lethal use into any building owned or occupied by any agency of the state government. This includes the Private Officers Licensing Section (POLS) and any other office within the building or any other building occupied by the department.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions more than \$500 in the aggregate. See *Fiscal Note—Public Entity Cost*

PRIVATE COST: This proposed rule will cost private entities, including small businesses, more than \$500 in the aggregate. See *Fiscal Note—Private Entity Cost*.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.055 - Firearms Regulations and Qualification

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Classification by types of the entities which would likely be affected:	Estimate Cost of Compliance in the Aggregate:
City of Kansas City, Missouri	Armed licensees	\$1008.00
Jackson County, Missouri	Armed licensees	\$432.00

III. WORKSHEET

Each armed licensee is required under this Rule to be trained on the safe and proper handling of the firearm which they intend to carry. In the Kansas City metropolitan area, a basic two (2) hour firearms training course costs approximately Forty-Eight Dollars (\$48.00). Assuming that cost to each armed licensee, the total fiscal impact to the City of Kansas City, Missouri is \$48.00 multiplied by 21 armed licensees or One Thousand Eight Dollars and No Cents (\$1008.00). The total impact to Jackson County, Missouri is \$48.00 multiplied by 9 armed licensees or Four Hundred Thirty-Two Dollars and No Cents (\$432.00). The licensees of the Kansas City International Airport Police attend the Regional Police Academy in Kansas City, Missouri and receive firearms training as a part of that program. Therefore, no firearms training need to be provided to these licensees under these rules, and no fiscal impact results from this provision.

IV. ASSUMPTIONS

The costs listed herein pertain to the cost of training individual armed licensees to handle the weapon with which they will qualify. This cost is only applicable to armed licensees. Board believes that this estimate will be high because it assumes that all of those currently licensed will cost the entities approximately Forty-Eight Dollars (\$48.00) to train. These persons are currently licensed and would not necessarily require repeated basic training in the handling of their firearms. Because Board cannot estimate how many new armed licensees will begin work for a particular entity in a one year period, the fiscal impact per year of this Rule is very difficult to estimate.

This calculation also assumes that the entities, rather than the individuals, are bearing the full cost of the firearms training. The cost of the training used herein represents a reasonable price in the Kansas City area for a basic firearms training course. Board believes that much of the basic firearms training is done in house by the entities which license armed officers. The cost of training to those entities would be considerably less than estimated herein.

For a further discussion of the fiscal impact associated with firearms qualification, see the Fiscal Note - Public Entity Cost for 17 CSR 10-2.040.

The costs associated with firearms qualification and failure to qualify or attend a firearms qualification are discussed in the Fiscal Note - Public Entity Cost for 17 CSR 10-2.050.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.055 - Firearms Regulations and Qualification

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,421	Armed licensees	\$68,208.00

III. WORKSHEET

Each armed licensee is required under this Rule to be trained on the safe and proper handling of the firearm which they intend to carry. In the Kansas City metropolitan area, a basic two (2) hour firearms training course costs approximately Forty-Eight Dollars (\$48.00). Assuming that cost to each armed licensee, the total fiscal impact to all licensees is \$48.00 multiplied by 1,421 licensees or Sixty-Eight Thousand Two Hundred Eight Dollars and No Cents (\$68,208.00).

IV. ASSUMPTIONS

The costs listed herein pertain to the cost of training individual armed licensees to handle the weapon with which they will qualify. This cost is only applicable to armed licensees. Board believes that this estimate will be high because it assumes that all of those currently licensed will cost the companies approximately Forty-Eight Dollars (\$48.00) to train. These persons are currently licensed and would not necessarily require repeated basic training in the handling of their firearms. Because Board cannot estimate how many new armed licensees will begin work for a particular company in a one year period, the fiscal impact per year of this Rule is very difficult to estimate.

This calculation also assumes that the companies, rather than the individuals, are bearing the full cost of the firearms training. The cost of the training used herein represents a reasonable price in the Kansas City area for a basic firearms training course. Board believes that much of the basic firearms training is done in house by the various companies which license armed officers. The cost of training to those companies would be considerably less than estimated herein.

For a further discussion of the fiscal impact associated with firearms qualification, see the Fiscal Note - Private Entity Cost for 17 CSR 10-2.040.

The costs associated with firearms qualification and failure to qualify or attend a firearms qualification are discussed in the Fiscal Note - Private Entity Cost for 17 CSR 10-2.050.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RESCISSION

17 CSR 10-2.060 Regulation, Suspension, Revocation. Under section 84.720, RSMo, Board regulated individuals providing private security services. Pursuant to this authority, Board had the power to suspend or revoke any license granted by it and was obligated to furnish an appeal process for any license so affected.

PURPOSE: Board wishes to rescind this rule and adopt a new rule in its place in order to clarify the language in the rule and insure compliance with the applicable law.

AUTHORITY: section 84.720, RSMo 1986. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 10—Kansas City Board of Police
Commissioners
Chapter 2—Private Security

PROPOSED RULE

17 CSR 10-2.060 Regulation, Suspension and Revocation

PURPOSE: Under section 84.720, RSMo, board shall regulate individuals providing private security services. Pursuant to this authority, board has the power to suspend or revoke any license granted by it and is obligated to furnish an appeal process for any license so affected.

(1) Board may monitor the activities of individuals providing private security services and firms, companies, partnerships, entities or political subdivisions providing security services pursuant to these rules.

(2) All licenses shall expire one (1) year from the date of issue.

(3) A licensee must carry his/her license with him/her at all times while they are working and must produce such license immediately at the request of a police officer or person that the licensee has stopped or detained, if the licensee holds a license which allows him/her to stop and detain persons.

(4) Anyone licensed under this chapter shall advise board of the type, color and nature of uniforms to be worn during the course of duly authorized business by the licensee. No uniform identical to

or bearing resemblance to any uniform used by department shall be approved. Additionally, no uniforms, badges or vehicle using the word "police" shall be approved for use.

(5) Upon application and approval by board, a license issued by any other city or state in the United States may be valid in this city provided the licensee is on temporary assignment with the employer shown on his/her license and the employer is qualified to do business in city. In the event the person holding the private security services is holding a valid license from another jurisdiction and is placed on temporary assignment in the jurisdiction, it will be the responsibility of the company to notify board in writing, giving the nature of the assignment, the licensee's full name and with whom the licensee holds the license. This may be issued on a one (1)-time annual basis and the employer must be beyond a ninety (90)-mile radius of city.

(6) Individuals providing private security services are required to file a discharge of firearms report with board whenever they discharge a firearm in the course of their occupation, other than formal firearms training.

(7) No person licensed under these provisions shall divulge to any unauthorized person or company any information or knowledge received from department or any source when the divulgence would be detrimental to effective law enforcement. Under no circumstances may any records, received from the department, whether generated by computer or otherwise, be accessed for personal use.

(8) The chief of police or his/her designee may impose a fine, order probation, order a suspension or revoke a license granted under section 84.720 of the *Revised Statutes of Missouri* pursuant to the procedures set forth in section (10) of this rule, when there exists information that the licensee or, if the licensee is an organization, any of its officers, directors, partners or associates has—

(A) Been charged with, convicted or placed on probation for any felony, any misdemeanor or city ordinance violation;

(B) Made any false statements or given false information in connection with an application for a license or a renewal or reinstatement;

(C) Violated a provision of this chapter;

(D) Acted or permitted any employee or agent to work without a license issued by board or with an expired license;

(E) Committed or permitted an employee to commit any act which is grounds for denial of an application;

(F) Used any name other than the licensed name;

(G) Committed any act in the course of business constituting dishonesty or fraud, such acts to include, but not limited to, making false statements, using illegal means to collect a debt or obligation, or the manufacturing of evidence;

(H) Been given reasonable cause to believe that it is necessary to suspend the license in order to protect the public safety and welfare; or

(I) Be the subject of a full order of protection issued after a hearing by a court of competent jurisdiction.

(9) Any fine imposed by the chief of police shall not exceed the sum of five thousand dollars (\$5,000). No suspension shall exceed ninety (90) days.

(10) When the chief of police or his/her designee determines that a license granted pursuant to section 84.720 of the *Revised Statutes of Missouri* shall be suspended or revoked, the following procedures shall apply:

(A) Notice of suspension or revocation shall be mailed to the party affected at the address maintained in the Private Officers Licensing Section (POLS).

(B) Notice of suspension or revocation shall be signed by the chief of police or his/her designee and shall indicate—

1. The decision to suspend or revoke;
2. The reason(s);
3. Duration of the suspension, if determinable;
4. Condition of reinstatement, if any; and
5. A description of the appeal process.

(C) Upon receipt of a notice of suspension, the individual or organization affected may request a review of the action of the POLS by filing a notice of appeal, in writing, with the POLS within ten (10) business days of the dated written notification of suspension or revocation at 1328 Agnes, Kansas City, MO 64127.

(D) In the case of an appeal, the discipline initially assessed will continue in effect until and unless it is reversed or amended by board.

(E) In the event of an appeal, the case shall be submitted to board solely on the record. The record shall consist of all documentary evidence obtained by or submitted to the chief of police or POLS by the parties, any agreed upon statement of the case agreed to by all the parties and the legal briefs as might be filed by the parties or their representatives. Individuals or organizations denied a license upon application may appeal to board pursuant to this section.

(F) The chief of police or his/her designee may place a licensee on probation in lieu of revocation.

(11) When any person's position with a security agency is terminated, suspended or revoked, the license shall be surrendered to the security agency and shall be mailed or delivered to the POLS.

AUTHORITY: section 84.720, RSMo 1994. Original rule filed Dec. 5, 1979, effective March 17, 1980. Amended: Filed May 3, 1988, effective Sept. 29, 1988. Rescinded and readopted: Filed May 28, 1993, effective Jan. 31, 1994. Rescinded and readopted: Filed Dec. 15, 1999.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions more than \$500 in the aggregate. See Fiscal Note—Public Entity Cost.

PRIVATE COST: This proposed rule will cost private entities, including small businesses, more than \$500 in the aggregate. See Fiscal Note—Private Entity Cost.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of Police Commissioners, 1125 Locust Street, Kansas City, MO 64106. Comments will also be accepted by fax, (816) 234-5333. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.060 - Regulation, Suspension and Revocation

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
City of Kansas City, Missouri	\$2,450.00
Jackson County, Missouri	\$2,150.00
Kansas City International Airport Police	\$2,150.00

III. WORKSHEET

Under this rule the Chief of Police or his/her designee may impose a fine up to Five Thousand Dollars (\$5,000.00) for certain enumerated violations on both individual and company licensees. Board could possibly impose a fine on individuals licensed under one of these public entities. Board estimates that the average fine for individuals would be approximately One Hundred Fifty Dollars (\$150.00). Board's best estimate is that approximately five (5) individuals per year, three (3) licensed under the City of Kansas City, Missouri, one (1) licensed by Jackson County, Missouri and one (1) licensed by the Kansas City International Airport Police, could be fined for a violation of one of the enumerated reasons set forth in the rule, the total estimated fiscal impact would be Seven Hundred Fifty Dollars (\$750.00) per year.

For a violation of the licensing rules, Board could elect to fine one of the public entities above. It is believed that the company fine would be assessed at an average of Two Thousand Dollars (\$2000.00), although Board could choose to increase or decrease that amount depending upon the nature of the violation. Board estimates that only one (1) such fine per year would be imposed on these entities for a total of Two Thousand Dollars (\$2000.00) per entity.

IV. ASSUMPTIONS

Because Board is unable to determine in advance how many persons or entities will violate the licensing provisions, the fiscal impact of this rule is strictly an estimate. In addition, Board might in any given case choose to increase or decrease the amount of the fine imposed or impose no fine at all depending on the nature and severity of the rule violation. Board is also assuming that the public entity, rather than the individual, would pay any fine levied against an individual licensee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 17

Division: 10

Chapter: 2

Type of Rulemaking: Proposed Rule

Rule Number and Name: 17 CSR 10-2.060 - Regulation, Suspension and Revocation

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
45	Loss Prevention Agents	\$750.00.
878	Private Agents	\$3,000.00.
818	Patrol Agent	\$2,250.00
285	Private Investigators	\$300.00
355	Security Specialists	\$300.00
1496	Guards	\$11,100.00
133	Armed Couriers	\$300.00
199	Company licenses	\$10,000.00

III. WORKSHEET

Under this rule the Chief of Police or his/her designee may impose a fine up to Five Thousand Dollars (\$5,000.00) for certain enumerated violations on both individual and company licensees. Board estimates that the average fine for individuals would be approximately One Hundred Fifty Dollars (\$150.00). Board's best estimate is that five (5) loss prevention agents would be fined for a total of Seven Hundred Fifty Dollars (\$750.00); that approximately twenty (20) private agents would be fined for a total of Three Thousand Dollars (\$3,000.00); that approximately fifteen (15) patrol agents would be fined for a total of Two Thousand Two Hundred

Fifty Dollars (\$2,250.00); that approximately two (2) private investigators would be fined for a total of Three Hundred Dollars (\$300.00); that approximately two (2) security specialists would be fined for a total of Three Hundred Dollars (\$300.00); that approximately seventy-four (74) guards would be fined for a total of Eleven Thousand One Hundred Dollars (\$11,100.00); and that approximately two (2) armed couriers would be fined for a total of Three Hundred Dollars (\$300.00).

As to company licenses, it is estimated that approximately five (5) companies might be fined and that an average fine of Two Thousand Dollars (\$2,000.00) might be imposed. This makes the total fiscal impact to companies approximately Ten Thousand Dollars (\$10,000.00).

IV. ASSUMPTIONS

Because Board is unable to estimate in advance how many persons will violate the licensing provisions, the fiscal impact outlined above is strictly an estimate. In addition, Board might, in any given case, choose to increase or decrease the amount of the fine depending on the nature and severity of the rule violation or impose no fine at all. As to individuals, Board is unable to determine whether the individual or the company he is licensed under would pay any fine levied against that individual licensee.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION Division 10—Conservation Commission Chapter 1—Wildlife Code: Organization

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-1.010 Organization and Methods of Operation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 1999 (24 MoReg 2764-2765). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 10—Missouri State Board of Accountancy Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Board of Accountancy under section 326.200, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 10-2.160 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 1999 (24 MoReg 2625-2626). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 265—Division of Motor Carrier and Railroad Safety Chapter 10—Motor Carrier Operations

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Motor Carrier and Railroad Safety under section 622.027, RSMo Supp. 1999, the division amends the following rule:

4 CSR 265-10.025 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2203-2214). The division has decided to change the text of subsection (1)(A) of the proposed amendment, for the reasons discussed below in the summary of comments. That subsection is reprinted below. These text changes will not change the fiscal impact of the proposed amendment, and therefore, no change to the original fiscal notes is necessary. No other changes have been made in the text of the proposed amendment, so the remainder of the amendment is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Division of Motor Carrier and Railroad Safety (Division or MCRS) received a total of 4 written comments, from the following commenters:

Mike Brengle, of Mike Brengle Trucking (T-61,356), Shelbina, MO;

Lee Britt and Reul Jackson Britt, of Reul J. Britt (T-101,408), New London, MO;

David J. Peters, of David J. Peters Trucking, Inc. (T-13,482), Marthasville, MO; and

George W. Burruss, President, Missouri Motor Carriers Association, Jefferson City, MO.

In response to these comments, the Division of Motor Carrier and Railroad Safety makes the following findings.

COMMENT: Mr. Brengle questioned, "If the Division discontinues its use of the Missouri T-number would this also take away the tax exemption?" If so, he commented that, as an owner-operator, this would be a huge financial burden on an already slim line of profit.

RESPONSE: Mr. Brengle's question suggests that he is concerned about whether the proposed amendment would negate the sales and use tax exemptions that are allowed for certain purchases by common carriers, under subdivisions (3) and (11) of subsection 2 of section 144.030, RSMo Supp. 1998. This Division does not have any power, through this amendment or otherwise, to do away with or to change Missouri's taxation statute which allows these tax exemptions. Therefore, the Division finds that his concern is not a

valid reason to forego this amendment. However, the Division will communicate and cooperate with the Missouri Department of Revenue, as may be necessary to assist the latter agency in its administration of these tax exemptions as they apply to motor carriers registered with MCRS.

COMMENT: Ms. Britt opposed any changes to the rule, objecting that many small carriers are already confused by the complexity of the current rules “written by lawyers for lawyers,” and adding that the “constantly changing landscape of local, state and federal regulation” is hard on businesses, and drives small entrepreneurs out of business. She asked the Division to “help us continue to make an honest living; reduce rules and regulations; use common English; and even exempt those who don’t really need regulation.”

RESPONSE: The Division acknowledges, along with Ms. Britt, that many small carriers feel confused in light of the recent changes in motor carrier regulation. But many of the regulatory changes made by this Division have been necessary, and unavoidable, because of major changes in federal statutes and rules that have preempted former state requirements, or mandated other changes in state laws and rules. The Division finds that her stated opposition to making *any* rule changes, because of the complexity of present regulations, overlooks the beneficial results of the Proposed Amendment, which the Division finds would promote national uniformity, and reduce or eliminate the costs and confusion (for motor carriers as well as regulatory agencies) of maintaining the dual numbering systems that are now required for the many motor carriers (of all sizes) who engage in both interstate and Missouri intrastate commerce. We also would point out that this amendment would reduce the size and complexity of this rule from nine (9) separate paragraphs to just five (5) paragraphs.

COMMENT: Mr. Peters also opposed the amendment, commenting that doing away with the Missouri T-number would subject motor carriers to a lot of unnecessary expense, due to the cost of re-lettering all the trucks now carrying the T-numbers. He asked if the Division could allow truckers to keep their present number and just add USDOT to the present number, which would cost truckers considerably less than renumbering their entire fleets. He also questioned what’s the difference if leased vehicles continue to display “Leased to,” rather than the proposed “Operated by,” when “[e]ither way, the motor carrier has to keep all the records on the leased vehicles and the enforcement officers know that if it says leased to, the vehicle will need to have the proper paperwork.”

RESPONSE: Although Mr. Peters is correct in commenting that the Proposed Amendment will result in some additional costs to certain motor carriers from re-marking their vehicles, the Division disagrees that subjecting these carriers to these expenses is unnecessary. This change is needed to reduce the administrative costs of keeping dual identification numbering systems for interstate and intrastate motor carriers, when a substantial majority of these carriers perform both interstate and intrastate transportation, and thus are already required to have obtained USDOT numbers, which the amendment would require as our new standard. We find that the impact of the relatively small, one-time, additional costs of re-marking vehicles, upon the small number of carriers affected by this change, is substantially outweighed by the benefit of potential cost savings accruing to the vast number of carriers, and to this Division, from no longer having to maintain the present dual numbering systems and multiple vehicle markings requirements.

COMMENT: Mr. Burruss made several comments, including the following: Subparagraph (1)(A) indicates that the Division will be issuing USDOT numbers for interstate motor carriers and intrastate motor carriers. It was my understanding that the Division was only going to work with the intrastate carriers. If the Division is only going to issue DOT numbers to intrastate carriers then the paragraph should read “If the intrastate carrier’s . . .”

RESPONSE AND EXPLANATION OF CHANGE: Mr. Burruss’ comment relating to subsection (1)(A) of the Proposed Amendment incorrectly assumes that MCRS will not be issuing USDOT numbers to any interstate motor carriers. However, the Division proposes to issue USDOT numbers not only to intrastate carriers, but also to Missouri-based interstate motor carriers that transport only commodities or passengers that are *exempt from FHWA jurisdiction*. This was indicated in the Fiscal Note on Public Entity Cost, which was published with the Proposed Rulemaking (24 MoReg at 2205, 2207), and the accompanying Fiscal Note on Private Entity Cost (24 MoReg at 2209, 2211-13), but Mr. Burruss’ comment implies that this was not stated clearly enough in the rule text itself. Because these Missouri-based carriers already must apply to MCRS to register their interstate-exempt operations, and annually thereafter to renew their annual vehicle licenses, the Division finds that allowing these carriers to apply to MCRS for their USDOT number will save them the extra step of having to make a separate application to FHWA to obtain their USDOT number. For these reasons, the Division finds that the specific change suggested by Mr. Burruss is not necessary, but that a further clarification in the text of the rule is desirable, to avoid uncertainty and make it clear which carriers may obtain USDOT numbers directly from the Division.

COMMENT: Mr. Burruss also expressed the view that the amendment does not address whether existing motor carriers “will retain the same number that historically has been assigned to their company,” commenting that long-established carriers take pride in their low Missouri T-numbers, and “will probably want to oppose the issuance of a larger number.” He also says that the amendment does not address whether an intrastate motor carrier will retain the same USDOT number, should they decide to go interstate. He urged the Division to verify with FHWA that the intrastate carrier who decides to go interstate will be issued the same USDOT number, with the only change being to drop the MO suffix, because this could prevent a carrier from having to repaint the vehicle with a new number, and would make it easier for enforcement personnel to transfer the information stored in Safetynet.

RESPONSE AND EXPLANATION OF CHANGE: Mr. Burruss is correct in his comment that the amendment does not address whether existing carriers can retain their historic Missouri T-numbers. A carrier’s continued use of their historic T-number to identify their business would not be prohibited by the amendment, if that number is used *in addition to the required USDOT numbers*. But this comment indicates that a clarification on this matter might be needed to prevent confusion on the part of motor carriers. He also comments on the benefits that could accrue to intrastate carriers who decide to begin interstate operations, if they could merely drop the MO suffix and keep the same, basic USDOT number. This was already intended by the Division under the Proposed Amendment, but again, his comment suggests that clarification of that specific intent would help to avoid confusing motor carriers in this regard. Therefore, the Division finds that additional text should be inserted into section (1) and subsection (1)(A), to avoid the uncertainties discussed above. This additional text is included in this reprint of that subsection.

EXPLANATION OF OTHER CHANGE: The secretary of state mistakenly inserted the words “United States Department of Transportation” before USDOT in section (1) in the proposed rule. These words are deleted from the text in this order.

4 CSR 265-10.025 Marking of Vehicles

(1) Every motor carrier that transports passengers or property in intrastate or interstate commerce, and is subject to the jurisdiction

of this division, shall obtain a USDOT number. Each motor vehicle operated by the motor carrier shall be marked in conformity with the applicable requirements of this rule, and in conformity with the requirements of section 390.21 of Title 49, *Code of Federal Regulations* (CFR), or if applicable, subpart D of Title 49, CFR. 49 CFR section 390.21, and subpart D of 49 CFR part 390, as those regulations have been and periodically may be amended, are incorporated by reference in this rule, and are made applicable to all motor vehicles operated by these motor carriers, except vehicles that are exempted under section 390.030, RSMo. This rule does not prohibit a motor carrier from continuing to display on its vehicle, in addition to the markings required by this section, the identifying number of any certificate, permit or property carrier registration that was issued by the division and in force with reference to that carrier on the effective date of this amendment.

(A) This division shall issue USDOT numbers to motor carriers that are authorized to perform intrastate transportation, or that have their principal place of business within this state and are registered with the division to provide interstate transportation that is exempt from Federal Highway Administration (FHWA) regulation, upon the filing with and approval by the division of a completed Form MCS-150, in the form now or hereafter published by the U.S. Department of Transportation. If the carrier's USDOT number is issued by this division, then the letters "MO" shall be included in the vehicle markings, immediately following the carrier's USDOT number. For example: "USDOT 654321 MO." Each intrastate carrier shall give written notice to the Federal Highway Administration of its intent to engage in interstate operations, and shall register its interstate operations within this state in the manner provided in division rule 4 CSR 265-2.065, before providing interstate transportation in this state. After giving that notice and registering its interstate operations, the carrier may delete the letters "MO" from its vehicle markings, but shall continue to display the USDOT number and any other vehicle markings required by this rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of School Services
Chapter 345—Missouri School Improvement Program**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 160.518 and 160.545, RSMo 1994, and sections 161.210 and 163.031 RSMo Supp. 1999, the board adopts a rule as follows:

5 CSR 30-345.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 1999 (24 MoReg 2627-2628). Changes made in the Purpose and in the text of the proposed rule are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department of Elementary and Secondary Education (DESE) received three telephone calls seeking clarification of specific parts of the proposed rule. All of these callers were very supportive of the proposal. One letter of support was received from the secretary of the Northwest Administrator's Association on behalf of the organization and the letter is attached. The proposed rule was discussed at the November 23, 1999 meeting of the Missouri School Improvement Program Statewide Advisory Committee.

COMMENT: Approximately 87 members of the Missouri School Improvement Program Statewide Advisory Committee plus department staff were present at this meeting. The Committee was supportive of the rule, but did suggest a change for clarity in the wording relative to minority students demonstrating equal or greater improvement in achievement compared to non-minority students. **RESPONSE AND EXPLANATION OF CHANGE:** The first sentence in subsection (1)(A)2. and (4)(A)2. has been reworded as "improvement in the minority population's achievement which is equal to or greater than the achievement of the non-minority population . . ." The DESE staff concurred with this recommendation.

COMMENT: The Statewide Committee also suggested that having a five percent minority population is not the appropriate criteria for precipitating the required disaggregation of minority/non-minority achievement data.

RESPONSE AND EXPLANATION OF CHANGE: The first line of subsection (1)(A)2. and (4)(A)2. and the second line of (1)(A)2.A. and (4)(A)2.A. has been amended by changing from "five percent (5%) or more students in . . ." to "twenty (20) or more students in . . ." Based on the suggestion, the staff conferred with Keith Jamtgaard, statistician at the Office of Social and Economic Data Analysis, University of Missouri-Columbia. Mr. Jamtgaard analyzed the variation in standard deviations to determine the minimum size threshold for making comparisons between minority and non-minority MAP achievement results. He determined that the variance of a group of 20 test results at a grade level is very similar to the variance of a larger group of say 30 or 40 and that the variance of groups under 20 test results at a grade level are very dissimilar to the variance of groups 20 or larger. He recommends we use a group size of 20 or more minority students to trigger further analysis by a school district for the waiver rule and MSIP standards. The DESE staff concurs with this recommendation.

COMMENT: One e-mail comment was received from an administrator in a district with a high minority population. This individual was concerned that districts with "challenging populations" might never qualify for a waiver even though they demonstrate significant improvement in "closing the achievement gap."

RESPONSE: The performance rubrics are designed to reward districts for improvements in student achievement as well as recognizing them for high achievement. The requirement for minority students to demonstrate improvement at a level equal to or greater than the non-minority population on the MAP is designed to encourage districts with minority populations to be diligent in meeting the needs of these students. This in turn increases the chances of the district meeting the performance rubric. The third cycle performance standards will include a similar emphasis on the performance of the minority students. No change was made in response to this comment.

COMMENT: Wording changes and additions for clarity were received from the DESE staff.

RESPONSE AND EXPLANATION OF CHANGE: Changes suggested by the DESE staff are in the last sentence of the Purpose statement changing "will" to "would" after 1999-2000, adding the word "results" after "comparing" on line three of subsections (1)(A)2.B. and (4)(A)2.B. and changing "indicators" to "measurements" in subsection (1)(A)1. Additional changes in subsection (1)(A)1. are as follows: The "for K-8 district" reference was moved in the sentence to better distinguish it from K-12 districts, the *3 was added to 17.1 because it was an omission from the proposed rule, and second preceding year was changed to last year's APR for clarity.

COMMENT: One comment was received from the Division of Vocational and Adult Education emphasizing the need to include MSIP standard 8.3 in the MSIP Waiver Plan.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (6)(A)2.D. was changed to "(MSIP 8.3 and 8.7)" at the end of the sentence as requested.

EXPLANATION OF OTHER CHANGES: Review of the waiver rule by House Research noticed an error in the salary compliance requirement in section (6)(A)2.H., section 163.031, RSMo, should have been section 165.016. Section 163.031 should be changed to 165.016 in Section (6)(A)2.H.

5 CSR 30-345.020 Policies on Waiver of Regulations

PURPOSE: This rule establishes the criteria and procedures for annually identifying school district and/or school building eligibility for waivers in compliance with sections 161.210, 163.031.5(3), 160.545, and 160.518, RSMo. The student performance data will be reviewed, and the commissioner will notify districts if they are eligible for a waiver. Districts may respond to this notification by either accepting or rejecting such waiver. This rule contains four (4) types of department-wide waivers of regulations which may be granted to school districts. Regulations identified in the Missouri School Improvement Program (MSIP) Waiver Plan will be waived in each of the four (4) categories of waivers; however, the criteria for qualifying varies with each waiver. In all cases, the performance indicators will be evaluated on data in the same manner as in regular MSIP reviews (i.e., data from 1999-2000 would be used as the most current for districts being reviewed in 2000-2001).

(1) Missouri School Improvement Program (MSIP) On-Site Review.

(A) Districts will qualify for a waiver of the next scheduled MSIP review if they meet the following:

1. The district, based upon department generated Annual Performance Reports (APR), meets the performance indicators at the accredited level (including at least two (2) of the measurements in Standard 16.1 and at least three (3) of the measurements in Standard 16.3 for K-12 districts; or, for K-8 districts, four (4) of five (5) performance measurements, two (2) from 16.1 and two (2) from 16.2 and 17.1*3 combined and having no dropouts) for three (3) of the last four (4) years, including the last year's APR, based upon the annual Performance Scoring Guide. (In order for districts to have adequate time to prepare for the MSIP review, the decision on eligibility for waivers must be made by December of the second preceding year; therefore, the determination would be based upon the calls made during their last review and the succeeding three (3) APRs);

2. Districts having twenty (20) or more students in any identified ethnic minority must demonstrate improvement in the minority population's achievement which is equal to or greater than the achievement of the non-minority population on the Missouri Assessment Program (MAP). The following process will be used to judge this condition:

- A. First, the three (3) MSIP grade spans will be examined to determine whether any grade span has twenty (20) or more students in any identified minority in each grade tested in that span for both the preceding and second preceding year;

- B. Second, grade spans meeting the above condition will be examined to determine how many times the identified ethnic minority group equals or exceeds the improvement of the non-minority population on each test when comparing results from the second preceding to the preceding year on both the upper two (2) levels (Proficient and Advanced combined) and the bottom two (2)

levels (Step I and Progressing combined) for each test in that grade span; and

- C. Third, at least sixty-two percent (62%) positive comparisons between the two (2) groups are required to be acceptable;

3. The district agrees to administer the MSIP Advance Questionnaire; and

4. The district completes an annual MSIP Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in the checklist.

(4) Exemplary School.

(A) A school building that meets the following student performance criteria will be designated as Exemplary in compliance with section 160.518, RSMo, and will be granted waivers when the school meets the following:

1. The school has at least fifty percent (50%) of its students in the Proficient and Advanced levels, combined, on the MAP and Reading Performance Indicators and has no more than twenty percent (20%) of its students in the Step I and Progressing levels of the MAP, combined;

2. Schools having twenty (20) or more students in any identified ethnic minority must demonstrate improvement in the minority population's achievement which is equal to or greater than the achievement of the non-minority population on the MAP. The following process will be used to judge this condition:

- A. First, the three (3) MSIP grade spans will be examined to determine whether any grade span has twenty (20) or more students in any identified minority in each grade tested in that span for both the preceding and second preceding year;

- B. Second, grade spans meeting the above condition will be examined to determine how many times the identified ethnic minority group equals or exceeds the improvement of the non-minority population on each test when comparing results from the second preceding to the preceding year on both the upper two (2) levels (Proficient and Advanced combined) and the bottom two (2) levels (Step I and Progressing combined) for each test in that grade span; and

- C. Third, at least sixty-two percent (62%) positive comparisons between the two (2) groups are required to be acceptable;

3. The school meets all other MSIP Performance Indicators;

4. The school completes an annual MSIP Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in the plan for all buildings within the district; and

5. The school agrees to administer the MSIP Advance Questionnaire.

(6) Missouri School Improvement Program Waiver Plan

(A) School districts which meet certain student performance expectations may qualify for certain waivers related to the MSIP. The plan which is outlined below identifies the areas of MSIP which are eligible to be waived for qualifying districts.

1. All MSIP *Resource Standards and Indicators* will be waived except the following:

- A. The state high school graduation requirements (MSIP 1.3);

- B. Regular instruction in *United States* and *Missouri Constitutions*, as well as American History and Institutions, must be provided, and all students must pass at least a half unit of credit course in the institutions, branches, and functions of federal, state and local governments and in the electoral process, as required by section 170.011, RSMo (MSIP 1.3); and

- C. All administrators and teachers must be certificated to teach in Missouri schools. "Appropriately certificated for their assignments" is waived under this provision, unless funding sources require specific certification. (MSIP 5.1).

2. All MSIP *Process Standards and Indicators* will be waived except the following:

A. Districts must have cross-referenced all curricular areas to the Show-Me Standards (MSIP 6.1A);

B. The district reports dropouts from school to the Missouri Literacy Hot Line (MSIP 8.1);

C. The district meets state and federal requirements for special education for students with disabilities, economically disadvantaged students, migratory children, students whose native or home language is other than English and homeless youth (MSIP 8.1B, C, D, E, F);

D. The district complies with all the regulations of the state and federal categorical programs in which the district participates (MSIP 8.3 and 8.7);

E. The district distributes a student code of conduct and provides a protected, orderly environment (MSIP 9.1C);

F. Professional development programs and services are provided as required by sections 168.400 and 160.530, RSMo (MSIP 12.1A);

G. Board of Education members must be trained as prescribed by section 162.203, RSMo (MSIP 13.2B);

H. The district complies with the salary compliance requirements of section 165.016, RSMo and with the minimum salary requirements as defined in section 163.172, RSMo. (MSIP 13.2.B, 13.3C) Does not apply to "hold harmless" districts;

I. The district implements effective and efficient fiscal management systems that ensure accountability of district funds, and is not identified as a "financially stressed district" (MSIP 13.4A, B);

J. The district annually reviews its Comprehensive School Improvement Plan and updates it if necessary (MSIP 13.1C);

K. The district provides a safe physical environment for students (MSIP 14.2);

L. The district implements effective and efficient fiscal management systems that ensure accountability of district funds (MSIP 13.4A, B);

M. Cumulative health records, including immunizations as required by state law, are maintained and regularly updated for all students (MSIP 15.1); and

N. The district complies with all laws related to the transportation of students (MSIP 15.3).

3. No MSIP Performance Standards will be waived.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of School Services
Chapter 345—Missouri School Improvement Program**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 105.269, RSMo Supp. 1999, the board adopts a rule as follows:

**5 CSR 30-345.030 Metropolitan School District Retired
Teacher Program is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 1999 (24 MoReg 2628–2629). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under section 226.530, RSMo Supp. 1999, the commission amends a rule as follows:

7 CSR 10-6.010 Public Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2377–2378). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.150, RSMo 1994 and 226.530, RSMo Supp. 1999, the commission amends a rule as follows:

7 CSR 10-6.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2378–2379). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department received comments from the Missouri Outdoor Advertising Association (MOAA) and Drury Displays, Inc. d/b/a DDI Media.

COMMENT: Missouri Outdoor Advertising Association (MOAA) objected to the addition of a "billboard" definition as unnecessary given the fact that other types of signs are defined in the rules.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees. The deletion of this definition is noted in this Order of Rulemaking.

COMMENT: MOAA commented on the definition "modify." This definition of modify would conflict with current regulations for non-conforming signs which allow the repair of an existing sign as long as the repairs do not exceed 50% of the value of the structure or 50% of its structural supports. This definition would enable MoDOT to order the removal of existing legal non-conforming signs when the current regulations would allow a repair. MOAA is strongly opposed to the adoption of this definition for modify and believe it is intended to prevent repairs to non-conforming signs. DDI Media commented the legislation contained within Senate Bill 61 uses the word modified several times. For example, "Stacked structures existing on or before August 28, 1999, in accordance with sections 226.500 to 226.600 shall not be deemed

non-conforming for failure to meet the requirements of this section until such sign's structure is modified, repaired, replaced or rebuilt." The definition MoDOT uses for the word "modify" is "Modify means altering, enlarging or extending the facing, raising or lowering the structure itself, the addition of lights or lighting, and the replacing or changing poles, bracing, or supports." The proposed language would deem a sign non-conforming the first time a company would perform even the most simple maintenance upon their structures.

RESPONSE AND EXPLANATION OF CHANGE: Senate Bill 61 specifically allowed repairs to certain signs prior to the classification change to non-conforming. Repairs to non-conforming signs are addressed in 7 CSR 10-6.060(3). Signs which are lawfully erected but fail to conform to the requirements of subsequently enacted statutes are lawful and may be maintained as non-conforming signs. The language in the definition modify is consistent with the intent of Senate Bill 61 and 226.500 to 226.600 RSMo. The Department has changed "modify" to clarify the category of signs applicable to the definition in this Order of Rulemaking.

COMMENT: MOAA opposes the definition of Normal business hours of 8 a.m. to 5 p.m. Such a definition would exclude many legitimate businesses which have other normal operating hours.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees. The deletion of this definition is noted in this Order of Rulemaking.

7 CSR 10-6.015 Definitions

(2) Changed conditions means a change in facts or local ordinance, such as but not limited to, discontinuance of a commercial or industrial activity, decrease in the limits of an urban area, reclassification of a secondary highway to interstate or federal aid primary or National Highway System (NHS) highway status, upgrading of an urban primary highway to freeway status or amendment of a comprehensive local zoning ordinance from commercial to residential or the like.

(3) Director of transportation means the director of transportation of the Missouri Department of Transportation appointed by the Missouri Highways and Transportation Commission under section 226.040, RSMo or the director of transportation's authorized representative.

(4) Commercial or industrial activities are defined in section 226.540(5), RSMo.

(5) Commission means the Missouri Highways and Transportation Commission.

(6) Department means the Missouri Department of Transportation.

(7) Directional and other official signs means only official signs and notices, public utility signs, service club and religious notices, public service signs and directional signs.

(8) Display means a single graphic design which advertises goods, services or businesses.

(9) District engineer means any one (1) of the ten (10) Missouri Department of Transportation district engineers or the district engineer's authorized representatives.

(10) Division means the right-of-way division unless otherwise specified.

(11) Double-stacked means sign faces placed one above another on a single structure. This definition shall not include faces or signs maintained in a side-by-side configuration.

(12) Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

(13) Exempt billboard means a billboard erected by those organizations that are required to be permitted and are exempt from paying any fees. These organizations include religious, service, fraternal and veteran organizations.

(14) Federal or state law means a federal or state constitutional provision or statute or an ordinance or rule enacted or adopted by Missouri or a federal agency or a political subdivision in Missouri pursuant to a federal or state constitution or statute.

(15) Flashing means emitting a series of sudden and transient outburst of light.

(16) Highway means any existing highway or a project for which the commission's right-of-way division has authorized the purchase of right-of-way.

(17) Intermittent means occurring at intervals.

(18) Landmark signs means outdoor advertising determined by agreement between the commission and the secretary of transportation to have been lawfully in existence on October 22, 1965, and to be of historical or artistic significance under section 226.545, RSMo.

(19) Lawful means lawfully erected and in compliance with all other legal requirements including, but not limited to, permit requirements, payment of biennial inspection fees and in the case of nonconforming signs, the requirements of 7 CSR 10-6.060(3).

(20) Lawfully erected means erected prior to January 1, 1968 or erected after January 1, 1968, in compliance with the sizing, lighting, spacing, location, permit and all other requirements of sections 226.500–226.600, RSMo as provided by those sections at the erection date of the sign; or erected after January 1, 1968, and before March 30, 1972, in compliance with the sizing, lighting, spacing and location requirements in effect at the time of erection, but for which a permit was not obtained prior to March 30, 1972.

(21) Maintain means allow to exist.

(22) Main-traveled way means the through traffic lanes of the highway, exclusive of frontage roads, outer roads, auxiliary lanes, ramps and all shoulders.

(23) Modify applies to sign structures existing prior to August 28, 1999, which complied with the requirements with sizing, lighting, spacing, location, permit and all other requirements of sections 226.500–226.600, RSMo as provided by those sections at the erection date of the sign and not deemed nonconforming for failure to comply with the provisions of this chapter until such sign's structure is modified, repaired, replaced or rebuilt. After which, the provisions of 7 CSR 10-6.060 apply to signs of this category. Modify is altering, enlarging or extending the facing, raising or lowering the structure itself, the addition of lights or lighting, replacing or changing poles, bracing, supports, or type of materials.

(24) Nonconforming sign or nonconforming outdoor advertising means a sign which was lawfully erected but which does not conform to the requirements of state statutes enacted at a later date or

which later fails to comply with state statutes due to changed conditions.

(25) On-premises sign is limited to outdoor advertising which advertises—the sale or lease of the property upon which it is located, the name of the establishment or activity located upon the premises upon which it is located, or the principal products or services offered by the establishment or activity upon the premises upon which it is located.

(26) Outdoor advertising permit review committee consists of the assistant chief engineer-operations, assistant chief engineer-design, and the division director of the right-of-way division or their designees.

(27) Parkland means any publicly-owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge, or historic site.

(28) Premises is limited to improvements, buildings, parking lots, landscaping, storage or processing areas as well as any other contiguous land actually used in connection with the premises or for access.

(29) Readily accessible access means easy and convenient availability without obstruction and is maintained adjacent to an official roadway designated by a state, county or local authority and can be traversed by a regular passenger vehicle.

(30) Regular intervals means hours of operation posted and occurring uniformly on a regular basis.

(31) Scenic area means any area of particular scenic beauty or historic significance as determined by the federal, state or local officials having jurisdiction of the area and includes interests in land which have been acquired for the restoration, preservation and enhancement of scenic beauty (see 7 CSR 10-6.020).

(32) Secretary of transportation means the United States Secretary of Transportation.

(33) Sign means outdoor advertising as defined by section 226.510(3), RSMo.

(34) Spot zoning for outdoor advertising or strip zoning for outdoor advertising means an amendment, variance or exception to the comprehensive local zoning ordinance classifying or zoning a parcel of land as commercial, industrial or suitable for outdoor advertising, out of harmony with the zoning classification or uses of surrounding land as determined by the chief engineer.

(35) State means the state of Missouri.

(36) Unlawful signs or unlawful outdoor advertising are those identified as unlawful in sections 226.580.1 and 226.580.2, RSMo and 7 CSR 10-6.080(2), and nonconforming signs which have failed to comply with the requirements of 7 CSR 10-6.060(3).

(37) Unzoned area means an area where there is no comprehensive zoning regulation. It does not include areas which have rural zoning classifications, land uses established by zoning variances or special exceptions under comprehensive local zoning ordinances.

(38) Unzoned commercial or industrial areas or unzoned commercial or industrial land is defined by section 226.540(4) and 226.540(5), RSMo and 7 CSR 10-6.040(2)(B).

(39) Urban area is defined in section 226.510(6), RSMo.

(40) Visible means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity. A person of normal visual acuity is any person licensed by Missouri to operate a motor vehicle upon the highways of this state.

(41) Zoned commercial or industrial areas or areas which are zoned industrial, commercial or the like per section 226.540(5), RSMo and which meet the requirements of 7 CSR 10-6.040(2)(C).

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.150, RSMo 1994 and 226.530, RSMo Supp. 1999, the commission amends a rule as follows:

7 CSR 10-6.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2379-2381). The subsections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department received comments from the Missouri Outdoor Advertising Association (MOAA) and Drury Displays, Inc. d/b/a DDI Media.

COMMENT: Missouri Outdoor Advertising Association (MOAA) objected to the language 7 CSR 10-6.040(2)(C)3.B.(I). It would appear this language would disregard any business that kept hours other than 8:00 to 5:00.

RESPONSE AND EXPLANATION OF CHANGE: The definition of normal business hours was removed in 7 CSR 10-6.015 Order of Rulemaking and does not require 8 a.m. to 5 p.m. as normal business hours. The Department agrees and has removed the language in the Order of Rulemaking.

COMMENT: Both MOAA and DDI Media commented 7 CSR 10-6.040(3) Standards for Allowed Signs paragraph (4) has new language proposed that says “double stacked structures are prohibited. While it is true that 226.540 now prohibits the erection of new stacked structures, existing signs are, according to the statutory language, not to be considered non-conforming unless and until they are rebuilt, relocated, or modified. This seems to clearly imply that an existing stacked structure may be legally rebuilt or modified at least once before becoming non-conforming. They suggest the proposed language be amended to provide that “new double stacked structures are prohibited but such signs lawfully in existence on August 28, 1999, may be rebuilt, altered, modified whereupon such signs shall be deemed legal non-conforming. This language much more clearly mirrors the statutory language than that of the proposed language.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has included this language in the Order of Rulemaking.

COMMENT: MOAA commented the proposal of new regulation 7 CSR 10-6.040(5) for automatic changeable faces or tri-vision signs would arbitrarily exclude all such signs which change with a waving motion. Wave type signs are very common in the outdoor industry and are allowed in other states around the country. There

can really be no reasonable basis for allowing a sign face to change all at once rather than in a wave motion when both changes occur in about the same times.

RESPONSE: Wave signs are allowed if they change in 2 seconds and remain in place for 8 seconds. No change was made as a result of this comment.

7 CSR 10-6.040 Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas

(2) Criteria for Determination of Zoned and Unzoned Commercial and Industrial Areas.

(C) Primary Use Test.

1. In General. In order for an area to qualify as an unzoned commercial or industrial area, the primary use or activity conducted in the area must be of a type customarily and generally required by local comprehensive zoning authorities in Missouri to be restricted as a primary use to areas which are zoned industrial or commercial. The fact that an activity may be conducted for profit in the area is not determinative of whether or not an area is an unzoned commercial or industrial area. Activities incidental to the primary use of the area, such as a kennel or repair shop in a building or on property which is used primarily as a residence, do not constitute commercial or industrial activities for the purpose of determining the primary use of an unzoned area even though income is derived from the activity. If, however, the activity is primary and local comprehensive zoning authorities in Missouri would customarily and generally require the use to be restricted to a commercial or industrial area, then the activity constitutes a commercial or industrial activity for purposes of determining the primary use of an area even though the owner or occupant of the land may also live on the property.

2. Visible. The purported commercial or industrial activity must be visible from the main-traveled way within the boundaries of that unzoned commercial or industrial area by a motorist of normal visual acuity traveling at the maximum posted speed limit on the main-traveled way of the highway. Visibility will be determined at the time of the field inspection by the department's authorized representative.

3. Recognizable. The purported commercial or industrial activity must be recognizable as a commercial or industrial enterprise as viewed from both directions of travel of the adjacent interstate or primary highway. In addition, the activity must comply with each of the following:

A. Structure and grounds requirements—

(I) Area. Any structure to be used as a business or office must have an enclosed area of two hundred (200) square feet or more;

(II) Foundation. Any structure to be used as a business or office must be affixed on a slab, piers or foundation;

(III) Access. Any structure to be used as a business or office must have approved access from a roadway and readily accessible by the motorist to a defined customer parking lot adjacent to business building;

(IV) Utilities. Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include: business telephone, electricity, water service and waste water disposal, all in compliance with appropriate local, state and county rules. Should a state, county or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the department's authorized representative;

(V) Identification. The purported enterprise must be identified as a commercial or industrial activity which may be accomplished by on-premises signing or outside visible display of product;

(VI) Use. Any structure to be used as a business or office must be used exclusively for the purported commercial or industrial activity; and

(VII) Limits. Limits of the business activity shall be in accordance with section 226.540(4), RSMo;

B. Activity requirements. In order to be considered a commercial or industrial activity for the purpose of outdoor advertising regulation, the following conditions must be met:

(I) Hours must be posted and staffed accordingly or phone numbers, facsimile number or E-mail address for communication posted so that the public can contact the owner of the business activity or the designated employee(s) for an appointment at the business location;

(II) The purported activity or enterprise shall maintain all necessary business licenses, occupancy permits, sales tax and other records as may be required by applicable state, county or local law or ordinance;

(III) A sufficient inventory of products must be maintained for immediate sale or delivery to the consumer. If the product is a service, it must be available for purchase on the premises; and

(IV) The purported activity or enterprise must be in active operation a minimum of one hundred eighty (180) days prior to the issuance of any outdoor advertising permit. The one hundred eighty (180)-day time frame begins when the business activity is in compliance with commission business requirements; and

PUBLISHER'S NOTE: Subparagraph (2)(C)3.C. remains as published in the Code of State Regulations.

(4) Multiple Sign Structures. A back-to-back sign, double-faced sign or V-type sign is a sign with two (2) sides or outdoor advertising faces owned by the same sign owner which are physically contiguous, or connected by the same structure or cross bracing or located not more than fifteen feet (15') apart at their nearest point. New double-stacked, as defined in 7 CSR 10-6.015(11), structures are prohibited but such signs lawfully in existence on August 28, 1999, may be rebuilt, altered, or modified one time, whereupon such signs shall be deemed legal non-conforming. Each side or face of this multiple sign structure shall be considered as one (1) sign for the purpose of determining whether or not it complies with the sizing, lighting, spacing and location requirements of section 226.540, RSMo provided that each face or side of a multiple sign structure is limited to a total of eight hundred (800) square feet in area. The total area of each side or face shall be measured by the smallest square, rectangle, triangle, circle or contiguous combination of shapes which will encompass the display(s) of each side or face.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission

Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.150, RSMo 1994 and 226.530, RSMo Supp. 1999, the commission amends a rule as follows:

7 CSR 10-6.050 Outdoor Advertising Beyond Six Hundred Sixty Feet of the Right-of-Way is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on

October 1, 1999 (24 MoReg 2381). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.150, RSMo 1994 and 226.530, RSMo Supp. 1999, the commission amends a rule as follows:

7 CSR 10-6.060 Nonconforming Signs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2381–2382). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received concerning this proposed amendment.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.150, RSMo 1994 and 226.530, RSMo Supp. 1999, the commission amends a rule as follows:

7 CSR 10-6.070 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2382–2384). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department received comments from the Missouri Outdoor Advertising Association (MOAA), Drury Displays, Inc. d/b/a DDI Media and a staff member.

COMMENT: The Missouri Outdoor Advertising Association (MOAA) and DDI Media feel the failure to provide a copy of the display contract or letter providing the beginning and ending dates of the display prior to installation should not constitute a basis for revocation of a permit or the loss of a legal sign.

RESPONSE: Senate Bill 61 states, "In determining the size of a sign structure, temporary cutouts and extensions installed for the length of a specific display contract shall not be included in calculating the size of the permanent display." It is necessary to estab-

lish that the surface of the cutout is temporary or the surface of the cutout will be calculated into the permanent display size. No change was made as a result of this comment.

COMMENT: A staff member commented, the proposed new language provides that "no permits will be granted at locations where illegal tree cutting has taken place." and recommended using "unpermitted" tree cutting in place of "illegal."

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has included the change in the Order of Rulemaking.

COMMENT: MOAA commented the voiding of sign permits for "illegal" tree cutting or trimming doesn't provide for a hearing or finding of guilt or fault. There are already laws against the destruction of state property.

RESPONSE AND EXPLANATION OF CHANGE: For permitted signs, if unpermitted tree cutting occurs and the outdoor advertising permit is voided, a notice to remove will be issued. As with any notice to remove, a sign owner can request an administrative hearing through the district engineer pursuant to 7 CSR 10-6.070. MoDOT not issuing a sign permit in an area where "unpermitted" tree trimming has been performed, does not require proof of guilt. A sign permit is simply not issued.

COMMENT: MOAA commented the language regarding the reconstruction of a sign seems to conflict with the statutory language in Senate Bill 61. It should not be necessary to obtain a new permit to repair or reconstruct a conforming sign.

RESPONSE AND EXPLANATION OF CHANGE: The Department agrees and has removed the additional language "reconstruction" in this Order of Rulemaking.

COMMENT: MOAA disagrees with the increase in permit transfer fees because the records are now computerized. The fiscal note filed with respect to this change indicates that transfer fees already generate approximately \$25,000 a year. That amount would pay for a full-time employee to enter what is about 2500 transfers a year.

RESPONSE AND EXPLANATION OF CHANGE: The Department will not increase the permit transfer fees and has removed the increase in this Order of Rulemaking.

7 CSR 10-6.070 Permits for Outdoor Advertising

(6) Permits.

(A) Issue and Use of Permit. Upon proper application and payment of fee for any sign eligible for a permit, the district engineer shall issue a one (1)-time permanent permit. The permit owner must erect the sign, if not already in existence within two (2) years of the date the permit was issued by the commission. The permit holder must contact the outdoor advertising office in that area in writing within thirty (30) days of the sign's erection. No permits will be granted at locations where unpermitted tree cutting has taken place.

(B) Transfer of Permit. When a sign owner transfers ownership of a sign for which a permit is required by section 226.550, RSMo, the new sign owner shall notify the commission by filing an application for transfer, along with a ten dollar (\$10) fee, on a form supplied by the district engineer that issued the original permit which is the district engineer for the county in which the sign is located (see 7 CSR 10-6.010). Applications must be completed in full. Incomplete or incorrectly completed application forms shall be rejected or returned by the outdoor advertising permit specialist to the applicant.

(C) Voiding of Permits. Any misrepresentation of material fact on any application under this section or violation of any one (1) or more of the requirements of this section shall be grounds for the

district engineer to void the permit. Any existing sign is then maintained without a permit and subject to removal under sections 226.580, RSMo and 7 CSR 10-6.080(2). Unpermitted tree cutting or trimming in front of a permitted sign or maintaining a sign via the state right-of-way shall be grounds for voiding a permit. The district engineer shall notify the sign owner and the owner or occupant of the land on which the sign is or was located in writing of the voiding of the permit. Permit fees shall be retained by the commission. The district engineer shall issue a notice to remove outdoor advertising under section 226.580.3, RSMo.

(8) Relocation. Relocation of any sign for any reason whatsoever is a new erection as of the date the relocation is completed and these signs must then comply with the then effective sizing, lighting, spacing, location and permit requirements of sections 226.500–226.600, RSMo. Relocation of any sign voids any permit issued by the commission for that sign and the fee shall be retained by the commission. The district engineer shall issue a notice to remove outdoor advertising under section 226.580, RSMo. A new application for permit must be filed with the district engineer and the sign can only be relocated in compliance with the sizing, lighting, spacing and location requirements of sections 226.500–226.600, RSMo.

REVISED PRIVATE COST: This order of rulemaking will cost private entities approximately \$25,420 per annum for the life of the rule. See attached revised fiscal note.

**REVISED FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 7 - Department of Transportation

Division: 10-Missouri Highways and Transportation Commission

Chapter: 6 - Outdoor Advertising

Type of Rulemaking: Order of Rulemaking

Rule Number and Name: 7 CSR 10-6.070(6)(B) Permits for Outdoor Advertising

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
27	Billboard Companies	\$25,420.

III. WORKSHEET

Transfer Cost:

Per sign = \$10.00 (x approx. 2,542 signs)

\$25,420.00

IV. ASSUMPTIONS

(a) These private entity costs will recur each year for the life of the rule, however the number of billboard companies may vary from year to year and are almost impossible to predict accurately.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising**

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.150 and 226.585, RSMo 1994 and 226.530, RSMo Supp. 1999, the commission amends a rule as follows:

7 CSR 10-6.085 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2385-2386). The section with a change is reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Department received comments from the Missouri Outdoor Advertising Association (MOAA) and Drury Displays, Inc. d/b/a DDI Media.

COMMENT: MOAA commented the new language being added to paragraph (1) allows MoDOT officials to reject a permit application because cutting would be "detrimental to the stability of the right-of-way" or any "vegetation that protects natural or scenic features at that location." This language seems to be extremely broad and vague. DDI Media asked what criteria will be used to determine what natural or scenic features need protecting?

RESPONSE AND EXPLANATION OF CHANGE: This language was added to protect the stability of the state of Missouri's right-of-way. For example, rock cliffs, once held together by natural vegetation now cut away, have fallen onto the road; this creates a safety issue. The Roadside Enhancement Manager considers the needs of the billboard owner while preserving the stability of the Missouri roadsides. The Department has removed the language containing "scenic features" and has included it in this Order of Rulemaking.

COMMENT: A staff member noted a typographical error in (1)(B). The sentence stating "There will no fee to trim...." needs to read, "There is no fee to trim...."

RESPONSE AND EXPLANATION OF CHANGE: The Department has corrected the error and included the change within this Order of Rulemaking.

7 CSR 10-6.085 Cutting and Trimming of Vegetation on Right-of-Way

(1) Permits. A permit is required to cut or trim any vegetation in front of any lawful sign. A separate permit is required for each sign structure. Permits to cut vegetation will be issued only for lawful signs which are at least five (5) years old. Permits to trim trees will be issued only after a lawful sign is at least two (2) years old. A vegetation permit may be denied or limited if the plan is deemed to be detrimental to the stability of the state right-of-way as determined by the Roadside Enhancement Manager.

(B) Fee. The cost of a permit for trimming and cutting is determined by the vegetation to be removed. All diameter measurements contained in this rule shall be measured at four and one-half feet (4 1/2') above ground level. There is no fee to trim trees in accordance with subsection (3)(F) of this rule or remove brush and trees with a diameter of less than six inches (6"), but a permit will still be required. The fee to remove each tree with a diameter equal to or greater than six inches (6") is one hundred dollars (\$100) plus an additional one hundred dollars (\$100) for every inch of

diameter greater than six inches (6"). Measurements for diameter will be rounded down to the nearest inch. For example, the fee for trimming or removing a tree six and three-fourths inch (6 3/4") in diameter would be one hundred dollars (\$100); the fee for a tree ten and one-half inches (10 1/2") in diameter would be five hundred dollars (\$500). Also, a performance bond in an amount up to one thousand dollars (\$1,000) shall be required if the district engineer or his/her representative deems it necessary to ensure restoration of highway right-of-way. Fees will be placed in a roadside enhancement fund and utilized by the department to plant trees and do other landscaping on highway right-of-way. A cash bond equal to the amount of vegetation to be removed must be filed with the department prior to any work on the right-of-way. All fees must be paid prior to the commencement of any tree trimming.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-6.070 New Source Performance Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2226). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri**

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-6.075 Maximum Achievable Control Technology Regulations is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2226-2229). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and Air Pollution
Control Regulations for the Entire State of Missouri

ORDER OF RULEMAKING

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo Supp. 1999, the commission amends a rule as follows:

10 CSR 10-6.080 Emission Standards for Hazardous Air Pollutants is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 15, 1999 (24 MoReg 2230). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received no comments.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 136.120 and 143.961, RSMo 1994, the director amends a rule as follows:

12 CSR 10-2.240 Determination of Timeliness is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 1999 (24 MoReg 2632). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 144.270, RSMo 1994, the director adopts a rule as follows:

12 CSR 10-110.016 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 1999 (24 MoReg 2634-2635) as 12 CSR 10-111.016. A change of the chapter number and name for this rule has been made and that change is reprinted here, no other changes have been made in the text of the proposed rule. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments have been received. For purposes of

clarity, the chapter number and title of the regulation are being changed from Chapter 111 to Chapter 110 and Sales/Use Tax to Sales/Use Tax—Exemptions. The department is in the process of rewriting the State Sales/Use Tax Regulations. To ensure the public easier understanding of these rules the Department has assigned new Sales/Use Tax chapters and rule numbers, by subject (example: Sales/Use Tax—Exemptions, —Nature of Tax, —Taxpayers Rights), etc.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 110—Sales/Use Tax—Exemptions

12 CSR 10-110.016 Refunds and Credits

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 4—Conditions of Recipient Participation,
Rights and Responsibilities

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.040 and 660.017, RSMo Supp. 1999 and 208.201, RSMo 1994, the director hereby adopts a rule as follows:

13 CSR 70-4.090 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2399-2401). Sections (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of the proposed rule with changes are reprinted herein. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Medical Services received and reviewed all comments received on or before October 31, 1999. Numerous comments were received and are summarized as follows:

COMMENT: Three comments supported the removal of the requirement that parents be working to be eligible for the Uninsured Parents' Health Insurance Program.

RESPONSE AND EXPLANATION OF CHANGE: The Federal Health Care Financing Administration disapproved of the requirement that parents had to be working to be eligible for the program. The requirement that a parent be working is removed.

COMMENT: One comment suggested that there should not be a requirement that to be uninsured a person must have been without health insurance for six months prior to application.

RESPONSE: The six month requirement is in keeping with the legislative appropriation process intent and the federal waiver submission.

COMMENT: One comment expressed concern that preventive dental services are not covered by the Uninsured Parents' Health Insurance Program.

RESPONSE: Prevention dental services were not included in the waiver submission or budget appropriation submission.

COMMENT: One comment requested that mandatory co-payments be required prior to the provision of services.

RESPONSE: The Federal Health Care Financing Administration did not approve requiring payment of co-payments prior to the provision of services.

COMMENT: Two comments were received opposing denial of service if the mandatory co-payment is not paid.

RESPONSE: Service may not be denied if a mandatory co-payment is not paid. If three co-payments are reported not paid in one year, an individual may lose all eligibility for the Uninsured Parents' Health Insurance Program for six months or until one co-payment is paid.

COMMENT: Two comments expressed the opinion that the phrase "prior to" should be deleted from subsection (7)(A) addressing when a provider may request payment of the mandatory co-payment.

RESPONSE AND EXPLANATION OF CHANGE: Services may not be denied for failure to pay the mandatory co-payments. Subsection (7)(A) has been amended to give the provider of service the option of requesting payment of mandatory co-payments prior to or after service delivery.

COMMENT: Two comments expressed the opinion that the regulation should be revised to require the agency to redetermine eligibility after the fourteen day response period has elapsed after the non-payment of a mandatory co-payment, regardless of whether the family indicates a change in financial circumstances.

RESPONSE: The regulation requires the redetermination of eligibility if the parent indicates a change in financial circumstances. The division does not believe it is unreasonable to believe the individual family is in the best position to communicate its specific changes in financial circumstances.

COMMENT: Four comments suggested that the division should fully inform recipients about the consequences of non-payment of mandatory co-payments and their right to a hearing. The comments also suggested that there be good cause exceptions to the non-payment of mandatory co-payments.

RESPONSE AND EXPLANATION OF CHANGE: The amendment has been changed to include an explanation of the consequences of non-payment of mandatory co-payments in the required notice. Recipients are given the right to a hearing of any adverse agency decision. There are no good cause exceptions to not paying the mandatory co-payments.

COMMENT: Three comments suggested that individuals be reinstated prior to the end of the penalty period if a co-payment is paid.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (7)(I) has been amended to allow coverage to begin after payment of one or more of the mandatory co-payments or passage of six months.

COMMENT: One comment requested clarification of and made suggestions on how the continuing health coverage for individuals transitioning off Medicaid (option to stay with MC+ Health Plan) would be implemented.

RESPONSE: The division will be developing further policy on implementation of this provision.

COMMENT: Four comments expressed the opinion that the division should add more exceptions that would make an individual eligible for the Uninsured Parents' Health Insurance Program without being uninsured for six months prior to the month of application.

RESPONSE AND EXPLANATION OF CHANGE: The division amended Section four to add that the six month period of ineligibility would not apply to parents who lose health insurance due to lapse of health insurance when maintained by an individual other than the parent. This change makes the Uninsured Parents' Health Insurance Program exception to the six month limitation consistent with Children's Health Insurance Program.

COMMENTS IN SUPPORT OF THE PROPOSED RULE: One (1) comment was received supporting the state's efforts to expand health insurance coverage to additional populations.

SUMMARY OF CHANGES: Based on the numerous comments received several changes have been made in the text of the rule. The following are the changes the division made to sections (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10).

13 CSR 70-4.090 Uninsured Parents' Health Insurance Program

(1) Definitions.

(A) Health insurance. Any hospital and medical expense incurred policy, nonprofit health care service for benefits other than through an insurer, nonprofit health care service plan contract, health maintenance organization subscriber contract, preferred provider arrangement or contract, or any other similar contract or agreement for the provision of health care benefits. The term "health insurance" does not include short-term, accident, fixed indemnity, limited benefit or credit insurance coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(B) Co-payment. A cost-sharing arrangement in which a covered person pays a specified charge for a specified service, such as ten dollars (\$10) for a professional service.

(C) Parents. For purposes of this regulations the term parents refers to biological or adoptive parent(s).

(2) The following uninsured individuals shall be eligible to receive medical services to the extent and in the manner provided in this regulation:

(A) Individuals losing transitional medical assistance (TMA) who would not otherwise be insured or Medicaid eligible, with gross income below three hundred percent (300%) of the federal poverty level for the household size—

1. Eligibility for the Uninsured Parents' Health Insurance Program for individuals losing TMA ends twenty-four (24) months after TMA eligibility ends; and

2. After coverage ends, the individuals with a child eligible for MC+ have the option of staying in the MC+ health plan, where managed care is available, if the parents pay the cost of the state's cost for the time period covered by the Missouri Medicaid Section 1115 Health Care Reform Demonstration Proposal as approved by the Health Care Financing Administration;

(B) Uninsured non-custodial parents with income at or below one hundred twenty-five percent (125%) of the federal poverty level for the household size who are current in paying their child support—

1. Eligibility for the Uninsured Parents' Health Insurance Program for uninsured non-custodial parents with income below one hundred twenty-five percent (125%) of the federal poverty level ends after twenty-four (24) total months, the months can be non-consecutive; and

2. Child support refers to a legally obligated dollar amount established by court or administrative order;

(C) Uninsured non-custodial parents who are actively participating in Missouri's Parents' Fair Share Program;

(D) Uninsured custodial parents with family income at or below one hundred percent (100%) of the federal poverty level for the household size; and

(E) Uninsured women who do not qualify for other medical assistance benefits, and would lose their Medicaid eligibility sixty (60) days after the birth of their child or sixty (60) days after a miscarriage, will continue to be eligible for family planning and limited

testing of sexually transmitted diseases (EWH), regardless of income, for twenty-four (24) consecutive months after the pregnancy ends.

(3) Uninsured parents identified in subsections (2)(B), (2)(C) or (2)(D) who had health insurance in the six (6) months prior to the month of application shall not be eligible for coverage under this rule until six (6) months after coverage was dropped.

(4) The six (6)-month period of ineligibility would not apply to parents who lose health insurance due to:

(A) Loss of employment due to factors other than voluntary termination;

(B) Employment with a new employer that does not provide an option for coverage;

(C) Expiration of the Consolidated Budget Reconciliation Act (COBRA) coverage period;

(D) Lapse of health insurance when the lifetime maximum benefits under their private health insurance have been exhausted; or

(E) Lapse of health insurance when maintained by an individual other than the parent, individual losing TMA, or women who qualify for EWH.

(5) Beneficiaries covered in section (2) of this rule shall be eligible for service(s) from the date their application is received. No service(s) will be covered prior to the date the application is received.

(6) The following services are covered for beneficiaries of the Uninsured Parents' Health Insurance Program if they are medically necessary:

(A) Inpatient hospital services;

(B) Outpatient hospital services;

(C) Emergency room services;

(D) Ambulatory surgical center, birthing center;

(E) Physician, advanced practice nurse, and certified nurse midwife services;

(F) Maternity benefits for inpatient hospital and certified nurse midwife. The health plan shall provide coverage for a minimum of forty-eight (48) hours of inpatient hospital services following a vaginal delivery and a minimum of ninety-six (96) hours of inpatient hospital services following a cesarean section for a mother and her newly born child in a hospital or any other health care facility licensed to provide obstetrical care under the provision of Chapter 197, RSMo. A shorter length of hospital stay for services related to maternity and newborn care may be authorized if a shorter inpatient hospital stay meets with the approval of the attending physician after consulting with the mother and is in keeping with federal and state law. The health plan is to provide coverage for post-discharge care to the mother and her newborn. The physician's approval to discharge shall be made in accordance with the most current version of the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, or similar guidelines prepared by another nationally recognized medical organization and be documented in the patient's medical record. The first post-discharge visit shall occur within twenty-four (24) to forty-eight (48) hours. Post-discharge care shall consist of a minimum of two (2) visits at least one (1) of which shall be in the home, in accordance with accepted maternal and neonatal physical assessments, by a registered professional nurse with experience in maternal and child health nursing or a physician. The location and schedule of the post-discharge visits shall be determined by the attending physician. Services provided by the registered professional nurse or physician shall include, but not be limited to, physician assessment of the newborn and mother, parent education, assistance and training in breast or bottle feeding, education and services for complete childhood immunizations, the performance

of any necessary and appropriate clinical tests and submission of a metabolic specimen satisfactory to the state laboratory. Such services shall be in accordance with the medical criteria outlined in the most current version of the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists, or similar guidelines prepared by another nationally recognized medical organization. If the health plan intends to use another nationally recognized medical organization's guidelines, the state agency must approve prior to implementation of its use;

(G) Family planning services;

(H) Pharmacy benefits;

(I) Dental services to treat trauma or disease;

(J) Laboratory, radiology and other diagnostic services;

(K) Prenatal case management;

(L) Hearing aids and related services;

(M) Eye exams and services to treat trauma or disease (one (1) pair of glasses after cataract surgery only);

(N) Home health services;

(O) Emergent (ground or air) transportation;

(P) Non-emergent transportation only for members in ME Code 78 Parents' Fair Share;

(Q) Mental health and substance abuse services, subject to limitation of thirty (30) inpatient days and twenty (20) outpatient visits. One (1) inpatient day may be traded for two (2) outpatient visits;

(R) Services of other providers when referred by the health plan's primary care provider;

(S) Hospice services;

(T) Durable medical equipment (including but not limited to: orthotic and prosthetic devices, respiratory equipment and oxygen, enteral and parenteral nutrition, wheelchairs and walkers, diabetes supplies and equipment);

(U) Diabetes self-management training for persons with gestational, Type I or Type II diabetes;

(V) Services provided by local health agencies (may be provided by the health plan or through an arrangement between the local health agency and the health plan)—

1. Screening, diagnosis, and treatment of sexually transmitted diseases;

2. HIV screening and diagnostic services;

3. Screening, diagnosis, and treatment of tuberculosis; and

(W) Emergency medical services. Emergency medical services are defined as those health care items and services furnished or required to evaluate or stabilize a sudden and unforeseen situation or occurrence or a sudden onset of a medical or mental health condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that the failure to provide immediate medical attention could reasonably be expected by a prudent lay person, possessing average knowledge of health and medicine, to result in:

1. Placing the patient's health (or with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy; or

2. Serious impairment of bodily functions; or

3. Serious dysfunction of any bodily organ or part; or

4. Serious harm to a member or others due to an alcohol or drug abuse emergency; or

5. Injury to self or bodily harm to others; or

6. With respect to a pregnant woman who is having contractions: a) that there is inadequate time to effect a safe transfer to another hospital before delivery; or b) that transfer may pose a threat to the health or safety of the woman or the unborn child.

(7) Individuals losing TMA, uninsured non-custodial parent(s) with family income at or below one hundred twenty-five percent (125%) of the federal poverty level who are current in paying their child support and uninsured custodial parent(s) with family income

at or below one hundred percent (100%) of the federal poverty level shall owe a ten dollar (\$10) co-payment for certain professional services and a five dollar (\$5) co-payment in addition to the recipient portion of the professional dispensing fee for pharmacy services required by 13 CSR 70-4.051.

(A) Providers may request payment of the mandatory co-payment(s) prior to or after service delivery

(B) The co-payment amount shall be deducted from the Medicaid maximum allowable amount for fee-for-service claims reimbursed by the Division of Medical Services.

(C) Service(s) may not be denied for failure to pay the mandatory co-payment(s).

(D) When a mandatory co-payment is not paid, the Medicaid provider will have the following options:

1. Forego the co-payment entirely;
2. Make arrangements for future payment with the recipient;

or

3. File a claim with the Division of Medical Services to report the non-payment of the mandatory co-payment(s) and secure payment for the service from the Division of Medical Services.

(E) When the Division of Medical Services receives a claim from a Medicaid fee-for-service provider for non-payment of the mandatory co-payment, the division shall send a notice to the recipient—

1. Requesting that the recipient reimburse the Division of Medical Services for the mandatory co-payment made on their behalf;

2. Requesting information from the recipient to determine if the mandatory co-payment was not made because there has been a change in the financial situation of the family; and

3. Advising the recipient of the possible loss of coverage for up to six (6) months if the recipient fails to pay three (3) co-payments in one (1) year.

(F) The recipient will be allowed fourteen (14) calendar days to respond. If the recipient indicated there has been a change in the financial situation of the family, the state shall redetermine eligibility—

1. If the eligibility redetermination places the recipient in a non-mandatory co-payment category, there will be no co-payment due; or

2. If the eligibility redetermination does not place the recipient in a non-mandatory co-payment category another notice will be sent to the recipient about the mandatory co-payment provision of the program which shall include the number of co-payments that have not been paid and how many may not be paid before a recipient is terminated from the program.

(G) Notice of non-payment of mandatory co-payment(s) sent to the recipient during the course of a year shall establish a pattern of not meeting the mandatory cost sharing requirement of the program. The process to terminate eligibility shall proceed with the third failure to pay a mandatory co-payment in any one (1) year or until one (1) or more of the three (3) delinquent mandatory co-payments is made. Coverage shall begin again only after payment of one (1) or more of the three (3) co-payments or passage of six (6) months time whichever occurs first. Health care coverage shall not be retroactive.

1. A year starts at the time a co-payment is reported not paid to the Division of Medical Services;

2. Payment of a delinquent co-payment or co-payments will eliminate the failure to pay a mandatory co-payment or co-payments.

(H) Recipient(s) shall have access to a fair hearing process to appeal the disenrollment decision.

(I) If the recipient fails to pay the mandatory co-payments three (3) times within a year and is disenrolled from coverage the recipient shall not be eligible for coverage for six (6) months after the department provides notice to the recipient of disenrollment for failure to pay mandatory co-payments or until one (1) or more of

the three (3) delinquent mandatory co-payments is paid. Coverage shall begin again only after payment of one (1) or more of the three (3) co-payments or passage of six (6) months whichever occurs first. Coverage shall not be retroactive.

(8) Uninsured non-custodial parents who are actively participating in Missouri's Parents' Fair Share program and uninsured women who do not qualify for other benefits, and would lose their Medicaid eligibility sixty (60) days after the birth of their child or sixty (60) days after a miscarriage are not required to pay a co-payment for services.

(9) The Department of Social Services, Division of Medical Services shall provide for granting an opportunity for a fair hearing to any applicant or recipient whose claim for benefits under the Missouri Medicaid Section 1115 Health Care Reform Demonstration Proposal is denied or disenrollment for failure to pay mandatory co-payments has been determined by the Division of Medical Services. There are established positions of state hearing officer within the Department of Social Services, Division of Legal Services in order to comply with all pertinent federal and state law and regulations. The state hearing officers shall have authority to conduct state level hearings of an appeal nature and shall serve as direct representative of the director of the Division of Medicaid Services.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 70—Division of Medical Services Chapter 15—Hospital Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.201 and 208.453, RSMo 1994 and 208.455, Supp. 1999, the director hereby amends a rule as follows:

13 CSR 70-15.110 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 Mo Reg 2411-2412). Changes have been made in the text of the proposed amendment to adjust the FRA Assessment percentage and to clarify that the FRA Assessment will remain in effect until the State Fiscal Year 2000 FRA Assessment is finalized. The changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No written comments were received. The Division of Medical Services has amended section (7) to reflect the downward adjustment of the State Fiscal Year 2000 FRA Assessment from 5.30% to 5.02%.

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)

(7) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2000. The FRA assessment for State Fiscal Year 2000 shall be determined at the rate of five and two hundredths percent (5.02%) of the hospital's net operating revenues and other operating revenues defined in paragraphs (1)(A)12., and 13., as determined from information reported in the hospital's 1996 base year cost report.

REVISED PRIVATE COST: As a result of reducing the Federal Reimbursement Allowance (FRA) from 5.30 percent to 5.02 percent a revised private entity cost fiscal note has been prepared by the

division to be published with this order. The division estimates that with the downward adjustment of the FRA assessment 136 hospitals will pay \$354,121,814 in State Fiscal Year 2000.

**REVISED FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 13 -- Department of Social Services

Division: 70 -- Division of Medical Services

Chapter: 15 -- Hospital Program

Type of Rulemaking: Order of Rulemaking

Rule Number and Name: 13 CSR 70-15.110 - Federal Reimbursement Allowance (FRA)

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
136	Hospitals	\$354,121,814

III. WORKSHEET

The revised fiscal note is the result of reducing the FRA assessment percentage from 5.30% to 5.02%. This reduced the assessment to be paid by hospitals about \$20 million.

IV. ASSUMPTIONS

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH
Division 30—Division of Health Standards and
Licensure
Chapter 70—Lead Abatement and Assessment
Licensing, Training Accreditation**

IN ADDITION

19 CSR 30-70.620 Work Practice Standards for a Lead Risk Assessment

This rulemaking when published as a proposed rule in the October 1, 1999 *Missouri Register* (24 MoReg 2484-2492) contained a typographical error. Subsection (11)(H) was omitted when the proposed rule was published, however, subsection (11)(H) appeared in the emergency rule that was published in the October 1, 1999 *Missouri Register* (24 MoReg 2305-2307). Also, subsection 19 CSR 30-70.620(11)(H) appeared in the October 1, 1999 edition of the *Missouri Register* web site (<http://mosl.sos.state.mo.us/moreg/moreg.htm>). The proposed rule filed by the Department of Health with the Office of the Secretary of State included subsection (11)(H). There were no comments received by the agency on section (11) of the proposed rule, therefore there were no changes in the final order of rule-making. In accordance with 536.021(3), this typographical error has been corrected in the *Code of State Regulations* and section (11) of this rule is reprinted in its entirety below.

(11) Reporting and Documentation. The licensed risk assessor shall prepare a risk assessment report which shall include the following information:

- (A) Date of risk assessment;
- (B) Address of each dwelling or child-occupied facility;
- (C) Date dwelling or child-occupied facility was constructed;
- (D) Apartment number, if applicable;
- (E) Name, address and telephone number of each owner of each dwelling or child-occupied facility;
- (F) Name, signature and license number of the licensed risk assessor conducting the assessment;
- (G) Name, address and telephone number of the firm employing each licensed risk assessor, if applicable;
- (H) Name, address and telephone number of each recognized laboratory conducting analysis of collected samples;
- (I) Results of the visual inspection;
- (J) Testing method and sampling procedure for paint analysis employed;
- (K) Specific locations of each painted component tested for the presence of lead;
- (L) All data collected from on-site testing, including quality control data;
- (M) X-ray fluorescence (XRF) results, including the following (if applicable):
 - 1. XRF manufacturer and model;
 - 2. Serial number of XRF device used during the inspection;
 - 3. Calibration verification from the beginning and end of each residential unit;
 - 4. A copy of the XRF device user's certificate of training provided by the equipment manufacturer;
 - 5. License or registration number of the XRF instrument;
 - 6. A summary that categorizes the XRF results into one (1)

of three (3) categories: positive, negative, or inconclusive; and

7. Recommendations for addressing inconclusive XRF results;

(N) All results of laboratory analysis on collected paint, soil and dust samples and the name of each accredited laboratory that conducted the analysis;

(O) Any other sampling results;

(P) Any background information collected pursuant to subsections (6)(B), (7)(A), and (8)(B) of this regulation;

(Q) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-bearing substance hazards;

(R) A description of the location, type, and severity of identified lead-bearing substance hazard and any other potential lead hazards; and

(S) A description of interim controls and/or abatement options for each identified lead hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

**Title 19—DEPARTMENT OF HEALTH
Division 60—Missouri Health Facilities
Review Committee
Chapter 50—Certificate of Need Program**

APPLICATION REVIEW SCHEDULE

DATE FILED:

**APPLICATION PROJECT NO. &
NAME/COST & DESCRIPTION/
CITY & COUNTY**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. These applications are available for public inspection at the address shown below.

01/06/00

#2871 NP: Partners Residential Care Center
\$83,000, Long-term care bed expansion of 6
residential care facility I beds
Poplar Bluff (Butler County)

01/19/00

#2905 RS: Shephard's View RCF II
\$683,000, Develop 30-bed residential
care facility II
Alton (Oregon County)

01/21/00

#2938 HS: Skaggs Community Health Center
\$15,502,542, Establish open heart surgery service
and modernize facility
Branson (Taney County)

#2943 FS: Missouri Cancer Care, P.C.
\$4,781,496, Establish radiation oncology center
St. Peters (St. Charles County)

#2944 HS: Boone Hospital Center
\$6,915,000, Renovate/expand outpatient and
surgical services
Columbia (Boone County)

#2940 HS: Cameron Community Hospital
\$11,022,309, Replace facility
Cameron (Clinton County)

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received at the address listed below by February 23, 2000. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B1Z00230 Building Storage, Chemical/Hazardous 2/15/00;
B1Z00240 Office Supplies-Kansas City/Western MO 2/15/00;
B3Z00105 Medical Transcription Services 2/15/00;
B1Z00228 Video/Audio Surveillance System 2/16/00;
B1Z00244 Electrical Supplies-Sedalia Area 2/16/00;
B3Z00091 Childcare Program 2/16/00;
B1Z00223 Jacket, Correctional Officer 2/17/00;
B1Z00224 Gas Chromatograph 2/17/00;
B1Z00260 Hardware: Locks 2/17/00;
B1Z00262 Vehicles: ATV and Utility 2/17/00;
B1Z00273 Plaques, Wood 2/17/00;
B1Z00278 Building Supplies-Brookfield 2/17/00;
B2Z00057 Radio Headset: Tactical 2/18/00;
B3Z00100 Crisis Nursery Services 2/18/00;
B3Z00125 Scrap Metal Removal Services 2/22/00;
B3Z00128 Vending Services-Federal Buildings-St. Louis, MO 2/22/00;
B2Z00044 Data Processing Student Intern Services 2/24/00;
B3Z00123 Printing: State Telephone Directory on Newsprint 2/24/00;
B3Z00119 Trash Collection Services 2/25/00;
B1Z00284 Truck: 2-Ton 2/28/00;
B3Z00133 Trash Collection Services 3/2/00;
B003056 Training Services/Management Training Programs 3/6/00;
B3Z00094 International Marketing-Missouri Tourism 3/6/00.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

1.) TICTOC Software and Maintenance, supplied by ISOGON Corporation.
2.) Lab Media (for MGIT Firefly Instruments), supplied by Becton Dickinson

1.) Design Charrette for the redevelopment of the Jefferson City Correctional Center site, supplied by American Institute of Architects (AIA Missouri).
2.) Total Maximum Daily Load (TMDL) Training Workshops, supplied by CH2M Hill/Aqua Terra.

Joyce Murphy, CPPO,
Director of Purchasing

**Rule Changes Since Update to
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				23 MoReg 2473
	.....				24 MoReg 2535
1 CSR 10-15.010	Commissioner of Administration	25 MoReg 143	24 MoReg 2577	25 MoReg 298	
1 CSR 20-5.010	Personnel Advisory Board		24 MoReg 2578		
1 CSR 20-5.015	Personnel Advisory Board		24 MoReg 2578		
1 CSR 20-5.020	Personnel Advisory Board		24 MoReg 2579		
1 CSR 20-5.025	Personnel Advisory Board		24 MoReg 2580		
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development		23 MoReg 2676		
2 CSR 60-1.010	Grain Inspection and Warehousing		24 MoReg 2755		
2 CSR 60-4.011	Grain Inspection and Warehousing		24 MoReg 2755		
2 CSR 60-4.040	Grain Inspection and Warehousing		24 MoReg 2755R		
2 CSR 60-4.070	Grain Inspection and Warehousing		24 MoReg 2756		
2 CSR 60-4.110	Grain Inspection and Warehousing		24 MoReg 2756		
2 CSR 60-4.140	Grain Inspection and Warehousing		24 MoReg 2757		
2 CSR 60-4.150	Grain Inspection and Warehousing		24 MoReg 2758		
2 CSR 60-4.180	Grain Inspection and Warehousing		24 MoReg 2758		
2 CSR 60-5.010	Grain Inspection and Warehousing		24 MoReg 2759		
2 CSR 60-5.020	Grain Inspection and Warehousing		24 MoReg 2759R		
	.....		24 MoReg 2759		
2 CSR 60-5.030	Grain Inspection and Warehousing		24 MoReg 2760R		
2 CSR 60-5.040	Grain Inspection and Warehousing		24 MoReg 2760		
2 CSR 60-5.050	Grain Inspection and Warehousing		24 MoReg 2760		
2 CSR 60-5.070	Grain Inspection and Warehousing		24 MoReg 2761		
2 CSR 60-5.080	Grain Inspection and Warehousing		24 MoReg 2761		
2 CSR 60-5.100	Grain Inspection and Warehousing		24 MoReg 2762		
2 CSR 60-5.120	Grain Inspection and Warehousing		24 MoReg 2763		
2 CSR 80-2.180	State Milk Board	24 MoReg 2675	24 MoReg 2764		
2 CSR 80-5.010	State Milk Board		This Issue		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		24 MoReg 2764	This Issue	
3 CSR 10-4.115	Conservation Commission		24 MoReg 2581	25 MoReg 50	
	.....		25 MoReg 259		
3 CSR 10-4.116	Conservation Commission		24 MoReg 2582	25 MoReg 50	
3 CSR 10-4.125	Conservation Commission		24 MoReg 2583	25 MoReg 50	
3 CSR 10-5.205	Conservation Commission		24 MoReg 2583	25 MoReg 50	
3 CSR 10-5.210	Conservation Commission		24 MoReg 2586	25 MoReg 51	
3 CSR 10-5.215	Conservation Commission		24 MoReg 2586	25 MoReg 51	
3 CSR 10-6.405	Conservation Commission		24 MoReg 2586	25 MoReg 51	
	.....		25 MoReg 260		
3 CSR 10-7.405	Conservation Commission		24 MoReg 2587	25 MoReg 51	
3 CSR 10-7.440	Conservation Commission		N.A.	25 MoReg 298	
3 CSR 10-7.455	Conservation Commission				24 MoReg 2989
3 CSR 10-8.505	Conservation Commission		24 MoReg 2587	24 MoReg 51	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 10-2.160	Missouri State Board of Accountancy		24 MoReg 2625	This Issue	
4 CSR 40-1.021	Office of Athletics	21 MoReg 2680			
4 CSR 40-5.070	Office of Athletics	21 MoReg 1963			
4 CSR 70-2.040	State Board of Chiropractic Examiners		24 MoReg 2201	25 MoReg 51	
4 CSR 70-2.050	State Board of Chiropractic Examiners		24 MoReg 2201	25 MoReg 52	
4 CSR 70-2.070	State Board of Chiropractic Examiners		24 MoReg 2202	25 MoReg 52	
4 CSR 100	Division of Credit Unions				25 MoReg 116
	.....				25 MoReg 225
	.....				25 MoReg 225
4 CSR 100-2.190	Division of Credit Unions		25 MoReg 261		
4 CSR 105-3.040	Credit Union Commission		This Issue		
4 CSR 120-2.100	Board of Embalmers and Funeral Directors		25 MoReg 261		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		25 MoReg 261		
4 CSR 150-7.135	State Board of Registration for the Healing Arts		24 MoReg 2131	25 MoReg 211	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 195-5.010	Workforce Development		24 MoReg 2314		
4 CSR 195-5.020	Workforce Development		24 MoReg 2315		
4 CSR 195-5.030	Workforce Development		24 MoReg 2318		
4 CSR 210-2.060	State Board of Optometry		22 MoReg 1443		
4 CSR 230-2.065	Board of Podiatric Medicine		24 MoReg 2202	25 MoReg 52	
4 CSR 235-1.015	State Committee of Psychologists		24 MoReg 2132	25 MoReg 52	
4 CSR 235-1.025	State Committee of Psychologists		24 MoReg 2132	25 MoReg 52	
4 CSR 235-1.026	State Committee of Psychologists		24 MoReg 2133	25 MoReg 52	
4 CSR 235-1.030	State Committee of Psychologists		24 MoReg 2134	25 MoReg 53	
4 CSR 235-1.031	State Committee of Psychologists		24 MoReg 2134	25 MoReg 53	
4 CSR 235-1.060	State Committee of Psychologists		24 MoReg 2134	25 MoReg 53	
4 CSR 235-1.063	State Committee of Psychologists		24 MoReg 2135	25 MoReg 53	
4 CSR 235-2.020	State Committee of Psychologists		24 MoReg 2135	25 MoReg 53	
4 CSR 235-2.040	State Committee of Psychologists		24 MoReg 2135	25 MoReg 53	
4 CSR 235-2.050	State Committee of Psychologists		24 MoReg 2137	25 MoReg 54	
4 CSR 235-2.060	State Committee of Psychologists		24 MoReg 2138	25 MoReg 54	
4 CSR 235-2.065	State Committee of Psychologists		24 MoReg 2139	25 MoReg 54	
4 CSR 235-2.070	State Committee of Psychologists		24 MoReg 2140	25 MoReg 54	
4 CSR 235-3.020	State Committee of Psychologists		24 MoReg 2140	25 MoReg 55	
4 CSR 235-4.030	State Committee of Psychologists		24 MoReg 2141	25 MoReg 55	
4 CSR 240-2.010	Public Service Commission		24 MoReg 2318R		
	.....		24 MoReg 2318		
4 CSR 240-2.015	Public Service Commission		24 MoReg 2319		
4 CSR 240-2.040	Public Service Commission		24 MoReg 2320R		
	.....		24 MoReg 2320		
4 CSR 240-2.050	Public Service Commission		24 MoReg 2320R		
	.....		24 MoReg 2321		
4 CSR 240-2.060	Public Service Commission		24 MoReg 2321R		
	.....		24 MoReg 2321		
4 CSR 240-2.065	Public Service Commission		24 MoReg 2324R		
	.....		24 MoReg 2324		
4 CSR 240-2.070	Public Service Commission		24 MoReg 2325R		
	.....		24 MoReg 2325		
4 CSR 240-2.075	Public Service Commission		24 MoReg 2326R		
	.....		24 MoReg 2326		
4 CSR 240-2.080	Public Service Commission		24 MoReg 2327R		
	.....		24 MoReg 2327		
4 CSR 240-2.085	Public Service Commission		24 MoReg 2328		
4 CSR 240-2.090	Public Service Commission		24 MoReg 2329R		
	.....		24 MoReg 2329		
4 CSR 240-2.100	Public Service Commission		24 MoReg 2330R		
	.....		24 MoReg 2330		
4 CSR 240-2.110	Public Service Commission		24 MoReg 2330R		
	.....		24 MoReg 2331		
4 CSR 240-2.115	Public Service Commission		24 MoReg 2331R		
	.....		24 MoReg 2332		
4 CSR 240-2.116	Public Service Commission		24 MoReg 2332R		
	.....		24 MoReg 2332		
4 CSR 240-2.120	Public Service Commission		24 MoReg 2333R		
	.....		24 MoReg 2333		
4 CSR 240-2.125	Public Service Commission		24 MoReg 2333R		
	.....		24 MoReg 2333		
4 CSR 240-2.130	Public Service Commission		24 MoReg 2334R		
	.....		24 MoReg 2334		
4 CSR 240-2.140	Public Service Commission		24 MoReg 2336R		
	.....		24 MoReg 2336		
4 CSR 240-2.150	Public Service Commission		24 MoReg 2336R		
	.....		24 MoReg 2336		
4 CSR 240-2.160	Public Service Commission		24 MoReg 2337R		
	.....		24 MoReg 2337		
4 CSR 240-2.170	Public Service Commission		24 MoReg 2338R		
4 CSR 240-2.180	Public Service Commission		24 MoReg 2338R		
	.....		24 MoReg 2338		
4 CSR 240-2.200	Public Service Commission		24 MoReg 2339R		
	.....		24 MoReg 2339		
4 CSR 240-18.010	Public Service Commission		24 MoReg 2340	25 MoReg 211	
4 CSR 240-20.015	Public Service Commission		24 MoReg 1340	25 MoReg 55	
4 CSR 240-32.110	Public Service Commission		24 MoReg 2341		
4 CSR 240-32.120	Public Service Commission		24 MoReg 2344		
4 CSR 240-33.010	Public Service Commission		24 MoReg 2347R		
	.....		24 MoReg 2347		
4 CSR 240-33.020	Public Service Commission		24 MoReg 2347R		
	.....		24 MoReg 2348		
4 CSR 240-33.040	Public Service Commission		24 MoReg 2351R		
	.....		24 MoReg 2351		
4 CSR 240-33.050	Public Service Commission		24 MoReg 2355R		
	.....		24 MoReg 2355		
4 CSR 240-33.060	Public Service Commission		24 MoReg 2359R		
	.....		24 MoReg 2359		
4 CSR 240-33.070	Public Service Commission		24 MoReg 2362R		
	.....		24 MoReg 2362		
4 CSR 240-33.080	Public Service Commission		24 MoReg 2367R		
	.....		24 MoReg 2367		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-33.090	Public Service Commission		24 MoReg 2371R		
	.....		24 MoReg 2371		
4 CSR 240-33.100	Public Service Commission		24 MoReg 2371R		
	.....		24 MoReg 2372		
4 CSR 240-33.110	Public Service Commission		24 MoReg 2372R		
	.....		24 MoReg 2372		
4 CSR 240-33.120	Public Service Commission		24 MoReg 2373		
4 CSR 240-33.130	Public Service Commission		24 MoReg 2376		
4 CSR 240-33.140	Public Service Commission		24 MoReg 2376		
4 CSR 240-33.150	Public Service Commission	24 MoReg 2747T			
4 CSR 240-40.015	Public Service Commission		24 MoReg 1346	.....25 MoReg 59	
4 CSR 240-40.016	Public Service Commission		24 MoReg 1352	.....25 MoReg 63	
4 CSR 240-80.015	Public Service Commission		24 MoReg 1359	.....25 MoReg 69	
4 CSR 250-8.020	Missouri Real Estate Commission		This Issue		
4 CSR 250-8.070	Missouri Real Estate Commission		This Issue		
4 CSR 250-8.090	Missouri Real Estate Commission		This Issue		
4 CSR 250-8.095	Missouri Real Estate Commission		This IssueR		
	.....		This Issue		
4 CSR 250-8.096	Missouri Real Estate Commission		This Issue		
4 CSR 250-8.097	Missouri Real Estate Commission		This Issue		
4 CSR 250-8.160	Missouri Real Estate Commission		This Issue		
4 CSR 250-8.210	Missouri Real Estate Commission		This Issue		
4 CSR 255-1.040	Missouri Board for Respiratory Care		25 MoReg 262		
4 CSR 255-2.040	Missouri Board for Respiratory Care		25 MoReg 262		
4 CSR 255-2.050	Missouri Board for Respiratory Care		25 MoReg 262		
4 CSR 255-2.060	Missouri Board for Respiratory Care		25 MoReg 263		
4 CSR 255-3.010	Missouri Board for Respiratory Care		25 MoReg 263		
4 CSR 255-4.010	Missouri Board for Respiratory Care		25 MoReg 264		
4 CSR 265-10.025	Division of Motor Carrier and Railroad Safety		24 MoReg 2203	.....This Issue	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 30-345.020	Division of School Services		24 MoReg 2627	.....This Issue	
5 CSR 30-345.030	Division of School Services		24 MoReg 2628	.....This Issue	
5 CSR 50-270.050	Division of Instruction		24 MoReg 877		
5 CSR 80-800.290	Urban and Teacher Education	24 MoReg 2123	24 MoReg 2143	.....25 MoReg 73	
5 CSR 90-4.100	Vocational Rehabilitation		This Issue		
5 CSR 90-4.110	Vocational Rehabilitation		This Issue		
5 CSR 90-4.120	Vocational Rehabilitation		This Issue		
5 CSR 90-4.200	Vocational Rehabilitation		This Issue		
5 CSR 90-4.300	Vocational Rehabilitation		This Issue		
5 CSR 90-4.400	Vocational Rehabilitation		This Issue		
5 CSR 90-4.410	Vocational Rehabilitation		This Issue		
5 CSR 90-4.420	Vocational Rehabilitation		This Issue		
5 CSR 90-4.430	Vocational Rehabilitation		This Issue		
5 CSR 90-5.400	Vocational Rehabilitation		This Issue		
5 CSR 90-5.410	Vocational Rehabilitation		This Issue		
5 CSR 90-5.420	Vocational Rehabilitation		This Issue		
5 CSR 90-5.430	Vocational Rehabilitation		This Issue		
5 CSR 90-5.440	Vocational Rehabilitation		This Issue		
5 CSR 90-5.450	Vocational Rehabilitation		This Issue		
5 CSR 90-5.460	Vocational Rehabilitation		This Issue		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-2.010	Highways and Transportation Commission		24 MoReg 1367R		
	.....		24 MoReg 1367		
	.....		24 MoReg 2919R		
	.....		24 MoReg 2940R		
	.....		24 MoReg 2919		
7 CSR 10-6.010	Highways and Transportation Commission		24 MoReg 765		
	.....		24 MoReg 2377	.....This Issue	
7 CSR 10-6.015	Highways and Transportation Commission		24 MoReg 766		
	.....		24 MoReg 2378	.....This Issue	
7 CSR 10-6.040	Highways and Transportation Commission		24 MoReg 767		
	.....		24 MoReg 2379	.....This Issue	
7 CSR 10-6.050	Highways and Transportation Commission		24 MoReg 768		
	.....		24 MoReg 2381	.....This Issue	
7 CSR 10-6.060	Highways and Transportation Commission		24 MoReg 769		
	.....		24 MoReg 2381	.....This Issue	
7 CSR 10-6.070	Highways and Transportation Commission		24 MoReg 770		
	.....		24 MoReg 2382	.....This Issue	
7 CSR 10-6.085	Highways and Transportation Commission		24 MoReg 773		
	.....		24 MoReg 2385	.....This Issue	
7 CSR 10-10.010	Highways and Transportation Commission	24 MoReg 2932	24 MoReg 2956		
7 CSR 10-10.040	Highways and Transportation Commission	24 MoReg 2933	24 MoReg 2957		
7 CSR 10-10.050	Highways and Transportation Commission	24 MoReg 2933	24 MoReg 2957		
7 CSR 10-10.070	Highways and Transportation Commission	24 MoReg 2934	24 MoReg 2958		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 60-3.040	Commission on Human Rights	24 MoReg 2565	24 MoReg 2588	.....25 MoReg 299W	
	.....	25 MoReg 144T			

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-7.010	Director, Department of Mental Health			24 MoReg	2875RUC
9 CSR 10-7.020	Director, Department of Mental Health			24 MoReg	2877RUC
9 CSR 10-7.030	Director, Department of Mental Health			24 MoReg	2879RUC
9 CSR 10-7.040	Director, Department of Mental Health			24 MoReg	2881RUC
9 CSR 10-7.050	Director, Department of Mental Health			24 MoReg	2881RUC
9 CSR 10-7.060	Director, Department of Mental Health			24 MoReg	2883RUC
9 CSR 10-7.070	Director, Department of Mental Health			24 MoReg	2884RUC
9 CSR 10-7.080	Director, Department of Mental Health			24 MoReg	2885RUC
9 CSR 10-7.090	Director, Department of Mental Health			24 MoReg	2886RUC
9 CSR 10-7.100	Director, Department of Mental Health			24 MoReg	2887RUC
9 CSR 10-7.110	Director, Department of Mental Health			24 MoReg	2887RUC
9 CSR 10-7.120	Director, Department of Mental Health			24 MoReg	2890RUC
9 CSR 10-7.130	Director, Department of Mental Health			24 MoReg	2891RUC
9 CSR 25-4.040	Fiscal Management		24 MoReg 2386		
9 CSR 30-4.030	Certification Standards	24 MoReg 2191	24 MoReg 2215	25 MoReg 73	
9 CSR 30-4.034	Certification Standards	24 MoReg 2193	24 MoReg 2216	25 MoReg 74	
9 CSR 30-4.035	Certification Standards	24 MoReg 2194	24 MoReg 2217	25 MoReg 74	
9 CSR 30-4.039	Certification Standards	24 MoReg 2195	24 MoReg 2219	25 MoReg 74	
9 CSR 30-4.042	Certification Standards	24 MoReg 2197	24 MoReg 2220	25 MoReg 75	
9 CSR 30-4.043	Certification Standards	24 MoReg 2199	24 MoReg 2222	25 MoReg 75	
9 CSR 45-5.040	Mental Retardation and Developmental Disabilities		24 MoReg 2389		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR					24 MoReg 1693
10 CSR 10-2.010	Air Conservation Commission				24 MoReg 420
10 CSR 10-2.060	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-3.080	Air Conservation Commission		24 MoReg 2588R		
10 CSR 10-4.060	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.070	Air Conservation Commission		24 MoReg 2224		
10 CSR 10-5.090	Air Conservation Commission		24 MoReg 2589R		
10 CSR 10-5.295	Air Conservation Commission		24 MoReg 2001	25 MoReg 76	
10 CSR 10-5.380	Air Conservation Commission	24 MoReg 2935	25 MoReg 14		
10 CSR 10-5.390	Air Conservation Commission		25 MoReg 264		
10 CSR 10-5.490	Air Conservation Commission		24 MoReg 2680		
10 CSR 10-5.500	Air Conservation Commission		24 MoReg 2007	25 MoReg 81	
10 CSR 10-5.510	Air Conservation Commission		24 MoReg 2012	25 MoReg 82	
10 CSR 10-5.520	Air Conservation Commission		24 MoReg 2020	25 MoReg 92	
10 CSR 10-5.530	Air Conservation Commission		24 MoReg 2025	25 MoReg 98	
10 CSR 10-5.540	Air Conservation Commission		24 MoReg 2034	25 MoReg 101	
10 CSR 10-5.550	Air Conservation Commission		24 MoReg 2041	25 MoReg 109	
10 CSR 10-6.020	Air Conservation Commission		24 MoReg 2629		
10 CSR 10-6.065	Air Conservation Commission		24 MoReg 2630		
10 CSR 10-6.070	Air Conservation Commission		24 MoReg 2226	This Issue	
10 CSR 10-6.075	Air Conservation Commission		24 MoReg 2226	This Issue	
10 CSR 10-6.080	Air Conservation Commission		24 MoReg 2230	This Issue	
10 CSR 10-6.170	Air Conservation Commission		22 MoReg 2129		
10 CSR 10-6.310	Air Conservation Commission		24 MoReg 2686		
10 CSR 10-6.400	Air Conservation Commission		This Issue		
10 CSR 20-3.010	Clean Water Commission		24 MoReg 1225R	25 MoReg 299R	
			24 MoReg 1225	25 MoReg 299	
10 CSR 20-4.023	Clean Water Commission		24 MoReg 1849	25 MoReg 305	
10 CSR 20-4.030	Clean Water Commission		24 MoReg 1849	25 MoReg 306	
10 CSR 20-4.041	Clean Water Commission		24 MoReg 1850	25 MoReg 307	
10 CSR 20-4.043	Clean Water Commission		24 MoReg 1852	25 MoReg 308	
10 CSR 20-4.061	Clean Water Commission		24 MoReg 1724	25 MoReg 309	
10 CSR 20-7.015	Clean Water Commission		25 MoReg 264		
10 CSR 20-10.012	Clean Water Commission		24 MoReg 1056	25 MoReg 311	
10 CSR 20-10.022	Clean Water Commission		24 MoReg 1056	25 MoReg 311	
10 CSR 20-10.068	Clean Water Commission		24 MoReg 1057	25 MoReg 311W	
10 CSR 20-10.071	Clean Water Commission		24 MoReg 1058	25 MoReg 312	
10 CSR 20-11.092	Clean Water Commission		24 MoReg 1058	25 MoReg 312	
10 CSR 20-12.010	Clean Water Commission		24 MoReg 1058R	25 MoReg 312R	
10 CSR 20-12.020	Clean Water Commission		24 MoReg 1059R	25 MoReg 312R	
10 CSR 20-12.025	Clean Water Commission		24 MoReg 1059R	25 MoReg 313R	
10 CSR 20-12.030	Clean Water Commission		24 MoReg 1059R	25 MoReg 313R	
10 CSR 20-12.040	Clean Water Commission		24 MoReg 1060R	25 MoReg 313R	
10 CSR 20-12.045	Clean Water Commission		24 MoReg 1060R	25 MoReg 313R	
10 CSR 20-12.050	Clean Water Commission		24 MoReg 1061R	25 MoReg 313R	
10 CSR 20-12.060	Clean Water Commission		24 MoReg 1061R	25 MoReg 313R	
10 CSR 20-12.061	Clean Water Commission		24 MoReg 1061R	25 MoReg 313R	
10 CSR 20-12.062	Clean Water Commission		24 MoReg 1062R	25 MoReg 314R	
10 CSR 20-12.070	Clean Water Commission		24 MoReg 1062R	25 MoReg 314R	
10 CSR 20-12.080	Clean Water Commission		24 MoReg 1062R	25 MoReg 314R	
10 CSR 20-13.080	Clean Water Commission		24 MoReg 1239R	25 MoReg 314R	
			24 MoReg 1239	25 MoReg 314	
10 CSR 45-1.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-2.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-3.010	Metallic Minerals		24 MoReg 1258R		
			24 MoReg 1258		
10 CSR 45-6.010	Metallic Minerals		24 MoReg 2049		
10 CSR 45-6.020	Metallic Minerals		24 MoReg 2049		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 45-6.030	Metallic Minerals		24 MoReg 2050		
10 CSR 60-2.015	Public Drinking Water Program		25 MoReg 147		
10 CSR 60-3.010	Public Drinking Water Program	24 MoReg 2565	24 MoReg 1852	25 MoReg 316	
10 CSR 60-3.020	Public Drinking Water Program	24 MoReg 2567	24 MoReg 1854	25 MoReg 316	
10 CSR 60-3.030	Public Drinking Water Program	24 MoReg 2568	24 MoReg 1863	25 MoReg 317	
10 CSR 60-4.010	Public Drinking Water Program		25 MoReg 148		
10 CSR 60-4.050	Public Drinking Water Program		25 MoReg 152		
10 CSR 60-4.055	Public Drinking Water Program		25 MoReg 156		
10 CSR 60-4.090	Public Drinking Water Program		25 MoReg 161		
10 CSR 60-5.010	Public Drinking Water Program		24 MoReg 1870	25 MoReg 318	
10 CSR 60-5.020	Public Drinking Water Program		25 MoReg 176		
10 CSR 60-6.010	Public Drinking Water Program		24 MoReg 1878	25 MoReg 318	
10 CSR 60-6.020	Public Drinking Water Program		24 MoReg 1880	25 MoReg 319	
10 CSR 60-6.030	Public Drinking Water Program		24 MoReg 1886	25 MoReg 319	
10 CSR 60-6.070	Public Drinking Water Program		24 MoReg 1887	25 MoReg 320	
10 CSR 60-7.010	Public Drinking Water Program		25 MoReg 181		
10 CSR 60-8.010	Public Drinking Water Program		25 MoReg 187		
10 CSR 60-8.030	Public Drinking Water Program		24 MoReg 1899	25 MoReg 320	
10 CSR 80-9.040	Solid Waste Management		25 MoReg 191		
10 CSR 80-9.050	Solid Waste Management		25 MoReg 197		
10 CSR 140-2	Division of Energy				24 MoReg 2243
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 45-5.010	Missouri Gaming Commission		25 MoReg 268		
11 CSR 45-5.051	Missouri Gaming Commission		25 MoReg 273		
11 CSR 45-9.030	Missouri Gaming Commission		24 MoReg 2765		
11 CSR 45-10.035	Missouri Gaming Commission		25 MoReg 278		
11 CSR 45-10.150	Missouri Gaming Commission	24 MoReg 2936	24 MoReg 2961		
11 CSR 45-13.055	Missouri Gaming Commission	24 MoReg 2124	24 MoReg 2144		
			25 MoReg 278		
11 CSR 45-30.180	Missouri Gaming Commission		24 MoReg 2768		
11 CSR 45-30.190	Missouri Gaming Commission		24 MoReg 2768		
11 CSR 45-30.210	Missouri Gaming Commission		24 MoReg 2768		
11 CSR 45-30.220	Missouri Gaming Commission		24 MoReg 2769		
11 CSR 45-30.280	Missouri Gaming Commission		24 MoReg 2769		
11 CSR 45-30.370	Missouri Gaming Commission		24 MoReg 2769		
11 CSR 50-2.350	Missouri State Highway Patrol	24 MoReg 2747R	24 MoReg 2770R		
11 CSR 50-2.360	Missouri State Highway Patrol	24 MoReg 2747R	24 MoReg 2770R		
11 CSR 50-2.370	Missouri State Highway Patrol	24 MoReg 2748R	24 MoReg 2771R		
11 CSR 50-2.380	Missouri State Highway Patrol	24 MoReg 2748R	24 MoReg 2771R		
11 CSR 50-2.390	Missouri State Highway Patrol	24 MoReg 2749R	24 MoReg 2771R		
11 CSR 50-2.400	Missouri State Highway Patrol	25 MoReg 253	25 MoReg 282		
11 CSR 50-2.401	Missouri State Highway Patrol	24 MoReg 2749R	24 MoReg 2772R		
11 CSR 50-2.402	Missouri State Highway Patrol	24 MoReg 2749R	24 MoReg 2772R		
11 CSR 50-2.403	Missouri State Highway Patrol	24 MoReg 2750R	24 MoReg 2772R		
11 CSR 50-2.404	Missouri State Highway Patrol	24 MoReg 2750R	24 MoReg 2772R		
11 CSR 50-2.405	Missouri State Highway Patrol	24 MoReg 2750R	24 MoReg 2773R		
11 CSR 50-2.406	Missouri State Highway Patrol	24 MoReg 2751R	24 MoReg 2773R		
11 CSR 50-2.407	Missouri State Highway Patrol	24 MoReg 2751R	24 MoReg 2773R		
11 CSR 50-2.410	Missouri State Highway Patrol	24 MoReg 2751R	24 MoReg 2773R		
11 CSR 50-2.420	Missouri State Highway Patrol	24 MoReg 2752R	24 MoReg 2774R		
11 CSR 60-1.070	Division of Highway Safety		25 MoReg 18		
11 CSR 70-2.190	Division of Liquor Control		24 MoReg 2390	25 MoReg 327	
11 CSR 75-3.010	Peace Officer Standards and Training		24 MoReg 2963		
11 CSR 75-3.020	Peace Officer Standards and Training		24 MoReg 2963		
11 CSR 75-3.030	Peace Officer Standards and Training		24 MoReg 2963		
11 CSR 75-3.050	Peace Officer Standards and Training		24 MoReg 2967		
11 CSR 75-3.060	Peace Officer Standards and Training		24 MoReg 2967		
11 CSR 75-3.070	Peace Officer Standards and Training		24 MoReg 2968		
11 CSR 75-3.080	Peace Officer Standards and Training		24 MoReg 2968		
11 CSR 75-10.010	Peace Officer Standards and Training		24 MoReg 2969		
11 CSR 75-10.020	Peace Officer Standards and Training		24 MoReg 2969		
11 CSR 75-10.030	Peace Officer Standards and Training		24 MoReg 2969		
11 CSR 75-10.040	Peace Officer Standards and Training		24 MoReg 2970		
11 CSR 75-10.050	Peace Officer Standards and Training		24 MoReg 2970		
11 CSR 75-10.060	Peace Officer Standards and Training		24 MoReg 2970		
11 CSR 75-10.090	Peace Officer Standards and Training		24 MoReg 2971R		
11 CSR 75-10.100	Peace Officer Standards and Training		24 MoReg 2971		
11 CSR 75-11.040	Peace Officer Standards and Training	24 MoReg 2937	24 MoReg 2972		
11 CSR 80-1.010	Missouri State Water Patrol		25 MoReg 290		
11 CSR 80-2.010	Missouri State Water Patrol		25 MoReg 290		
11 CSR 80-3.010	Missouri State Water Patrol		25 MoReg 291		
11 CSR 80-3.020	Missouri State Water Patrol		25 MoReg 291		
11 CSR 80-4.010	Missouri State Water Patrol		25 MoReg 291		
11 CSR 80-6.010	Missouri State Water Patrol		25 MoReg 292		
11 CSR 80-7.010	Missouri State Water Patrol		25 MoReg 292		
11 CSR 80-8.010	Missouri State Water Patrol		25 MoReg 292		
11 CSR 80-5.010	Missouri State Water Patrol		24 MoReg 2774		
DEPARTMENT OF REVENUE					
12 CSR	Construction Transient Employers				24 MoReg 2087
12 CSR 10-2.015	Director of Revenue	25 MoReg 5	25 MoReg 18		
12 CSR 10-2.240	Director of Revenue		24 MoReg 2632	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-3.460	Director of Revenue	25 MoReg 144			
12 CSR 10-5.015	Director of Revenue		24 MoReg 2973R		
12 CSR 10-5.020	Director of Revenue		24 MoReg 2973R		
12 CSR 10-5.035	Director of Revenue		24 MoReg 2974R		
12 CSR 10-5.105	Director of Revenue		24 MoReg 2974R		
12 CSR 10-5.520	Director of Revenue		24 MoReg 2974R		
12 CSR 10-11.030	Director of Revenue		24 MoReg 2974R		
12 CSR 10-11.040	Director of Revenue		24 MoReg 2975R		
12 CSR 10-11.090	Director of Revenue		24 MoReg 2975R		
12 CSR 10-11.190	Director of Revenue		24 MoReg 2975R		
12 CSR 10-11.200	Director of Revenue		24 MoReg 2975R		
12 CSR 10-11.210	Director of Revenue		24 MoReg 2976R		
12 CSR 10-11.220	Director of Revenue		24 MoReg 2976R		
12 CSR 10-11.230	Director of Revenue		24 MoReg 2976R		
12 CSR 10-23.446	Director of Revenue	24 MoReg 2270	24 MoReg 2391	25 MoReg 212	
12 CSR 10-23.450	Director of Revenue		24 MoReg 2775		
12 CSR 10-24.050	Director of Revenue		24 MoReg 2976		
12 CSR 10-24.430	Director of Revenue		24 MoReg 2391	25 MoReg 212	
12 CSR 10-25.090	Director of Revenue		This IssueR		
12 CSR 10-26.010	Director of Revenue		24 MoReg 2776		
12 CSR 10-26.020	Director of Revenue		24 MoReg 2779		
12 CSR 10-26.030	Director of Revenue		24 MoReg 2781		
12 CSR 10-26.040	Director of Revenue		24 MoReg 2784		
12 CSR 10-26.050	Director of Revenue		24 MoReg 2787		
12 CSR 10-26.060	Director of Revenue		24 MoReg 2789		
12 CSR 10-26.070	Director of Revenue		24 MoReg 2791		
12 CSR 10-26.080	Director of Revenue		24 MoReg 2793		
12 CSR 10-26.090	Director of Revenue		24 MoReg 2795		
12 CSR 10-26.100	Director of Revenue		24 MoReg 2797		
12 CSR 10-26.110	Director of Revenue		24 MoReg 2799		
12 CSR 10-26.120	Director of Revenue		24 MoReg 2801		
12 CSR 10-26.130	Director of Revenue		24 MoReg 2803		
12 CSR 10-26.140	Director of Revenue		24 MoReg 2805		
12 CSR 10-26.150	Director of Revenue		24 MoReg 2807		
12 CSR 10-26.160	Director of Revenue		24 MoReg 2809		
12 CSR 10-26.170	Director of Revenue		24 MoReg 2811		
12 CSR 10-41.010	Director of Revenue	24 MoReg 2938	24 MoReg 2977		
12 CSR 10-43.020	Director of Revenue		24 MoReg 2230	25 MoReg 113	
12 CSR 10-43.030	Director of Revenue		24 MoReg 2230	25 MoReg 113	
12 CSR 10-101.500	Director of Revenue		25 MoReg 19		
12 CSR 10-103.200	Director of Revenue		25 MoReg 292		
12 CSR 10-103.610	Director of Revenue		25 MoReg 293		
12 CSR 10-103.360	Director of Revenue		24 MoReg 2977		
12 CSR 10-103.390	Director of Revenue		24 MoReg 2978		
12 CSR 10-103.500	Director of Revenue		24 MoReg 2979		
12 CSR 10-109.050	Director of Revenue		24 MoReg 2980		
12 CSR 10-110.016	Director of Revenue			This Issue	
12 CSR 10-110.900	Director of Revenue		25 MoReg 20		
12 CSR 10-110.910	Director of Revenue		25 MoReg 294		
12 CSR 10-110.920	Director of Revenue		25 MoReg 295		
12 CSR 10-111.010	Director of Revenue		24 MoReg 2392	25 MoReg 327	
12 CSR 10-111.013	Director of Revenue		24 MoReg 2632		
12 CSR 10-111.016	Director of Revenue	Changed to 12 CSR 10-110.016	24 MoReg 2634		
12 CSR 10-111.060	Director of Revenue		25 MoReg 23		
12 CSR 10-112.300	Director of Revenue		24 MoReg 2981		
12 CSR 30-1.030	State Tax Commission		24 MoReg 2695		
12 CSR 30-2.017	State Tax Commission		24 MoReg 2696		
12 CSR 30-2.018	State Tax Commission		24 MoReg 2702		
12 CSR 30-4.010	State Tax Commission		25 MoReg 296		
12 CSR 40-40.090	State Lottery		This Issue		
12 CSR 40-60.020	State Lottery		This Issue		
12 CSR 60-1.010	Motor Vehicle Commission		24 MoReg 2702R		
12 CSR 60-1.020	Motor Vehicle Commission		24 MoReg 2702R		
12 CSR 60-1.030	Motor Vehicle Commission		24 MoReg 2702R		
12 CSR 60-1.040	Motor Vehicle Commission		24 MoReg 2703R		
12 CSR 60-1.050	Motor Vehicle Commission		24 MoReg 2703R		
12 CSR 60-1.060	Motor Vehicle Commission		24 MoReg 2703R		
12 CSR 60-2.010	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.020	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.030	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.040	Motor Vehicle Commission		24 MoReg 2704R		
12 CSR 60-2.050	Motor Vehicle Commission		24 MoReg 2705R		
12 CSR 60-2.060	Motor Vehicle Commission		24 MoReg 2705R		
12 CSR 60-2.070	Motor Vehicle Commission		24 MoReg 2705R		
12 CSR 60-2.080	Motor Vehicle Commission		24 MoReg 2705R		
12 CSR 60-2.090	Motor Vehicle Commission		24 MoReg 2706R		
12 CSR 60-2.100	Motor Vehicle Commission		24 MoReg 2706R		
12 CSR 60-2.110	Motor Vehicle Commission		24 MoReg 2706R		
12 CSR 60-2.120	Motor Vehicle Commission		24 MoReg 2706R		
12 CSR 60-2.130	Motor Vehicle Commission		24 MoReg 2707R		
12 CSR 60-2.140	Motor Vehicle Commission		24 MoReg 2707R		
12 CSR 60-2.150	Motor Vehicle Commission		24 MoReg 2707R		
12 CSR 60-2.160	Motor Vehicle Commission		24 MoReg 2708R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 60-2.170	Motor Vehicle Commission		24 MoReg 2708R		
12 CSR 60-3.010	Motor Vehicle Commission		24 MoReg 2708R		
12 CSR 60-4.010	Motor Vehicle Commission		24 MoReg 2708R		
12 CSR 60-4.020	Motor Vehicle Commission		24 MoReg 2709R		
12 CSR 60-4.030	Motor Vehicle Commission		24 MoReg 2709R		
12 CSR 60-4.040	Motor Vehicle Commission		24 MoReg 2709R		
12 CSR 60-4.050	Motor Vehicle Commission		24 MoReg 2710R		
12 CSR 60-4.060	Motor Vehicle Commission		24 MoReg 2710R		
12 CSR 60-4.070	Motor Vehicle Commission		24 MoReg 2710R		
12 CSR 60-4.080	Motor Vehicle Commission		24 MoReg 2710R		
12 CSR 60-5.010	Motor Vehicle Commission		24 MoReg 2711R		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 40-2.300	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.305	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.310	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.315	Division of Family Services	23 MoReg 2133T			
13 CSR 40-2.320	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.325	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.330	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.335	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.340	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.345	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.350	Division of Family Services	23 MoReg 2134T			
13 CSR 40-2.355	Division of Family Services	23 MoReg 2135T			
13 CSR 40-2.360	Division of Family Services	23 MoReg 2135T			
13 CSR 40-2.365	Division of Family Services	23 MoReg 2135T			
13 CSR 40-2.370	Division of Family Services	23 MoReg 2135T			
13 CSR 40-19.020	Division of Family Services	24 MoReg 2270	24 MoReg 2394		
13 CSR 40-80.010	Division of Family Services		24 MoReg 2395		
13 CSR 70-3.020	Medical Services		24 MoReg 1742		
13 CSR 70-3.030	Medical Services		24 MoReg 1743		
13 CSR 70-3.130	Medical Services		24 MoReg 1747		
13 CSR 70-4.080	Medical Services		24 MoReg 2396		
			24 MoReg 2398		
13 CSR 70-4.090	Medical Services	24 MoReg 2569	24 MoReg 2399	.....	This Issue
		24 MoReg 2675T			
13 CSR 70-10.015(13)	Medical Services	24 MoReg 2572	24 MoReg 2401	.....	25 MoReg 328
13 CSR 70-10.080	Medical Services	24 MoReg 2574	24 MoReg 2404	.....	25 MoReg 328
13 CSR 70-10.110	Medical Services	24 MoReg 2575	24 MoReg 2406	.....	25 MoReg 328
13 CSR 70-15.010	Medical Services		24 MoReg 2408		
		24 MoReg 2938			
			25 MoReg 204		
13 CSR 70-15.110	Medical Services	24 MoReg 1026	24 MoReg 2411	.....	This Issue
13 CSR 73-2.015	Board of Nursing Home Administrators	24 MoReg 2752	24 MoReg 2813		
13 CSR 73-2.020	Board of Nursing Home Administrators	24 MoReg 2753	24 MoReg 2816		
13 CSR 73-2.070	Board of Nursing Home Administrators	24 MoReg 2753	24 MoReg 2819		
ELECTED OFFICIALS					
15 CSR 30-4.010	Secretary of State		24 MoReg 2413	.....	25 MoReg 212
15 CSR 30-15.010	Secretary of State		24 MoReg 2417	.....	25 MoReg 212
15 CSR 30-15.020	Secretary of State		24 MoReg 2417	.....	25 MoReg 212
15 CSR 30-45.030	Secretary of State		24 MoReg 2147R	.....	25 MoReg 113R
			24 MoReg 2147	.....	25 MoReg 113
15 CSR 50-4.010	Treasurer		24 MoReg 2417	.....	25 MoReg 212
15 CSR 50-4.020	Treasurer	24 MoReg 2271	24 MoReg 2418	.....	25 MoReg 213
15 CSR 60-11.010	Attorney General		24 MoReg 1103		
15 CSR 60-11.020	Attorney General		24 MoReg 1104		
RETIREMENT SYSTEMS					
16 CSR 10-4.010	Public School Retirement System		24 MoReg 2231	.....	25 MoReg 113
16 CSR 10-4.014	Public School Retirement System		24 MoReg 2822		
16 CSR 10-5.010	Public School Retirement System		24 MoReg 2232	.....	25 MoReg 113
16 CSR 10-5.020	Public School Retirement System		24 MoReg 2233	.....	25 MoReg 114
16 CSR 10-5.030	Public School Retirement System		24 MoReg 2233	.....	25 MoReg 114
16 CSR 10-5.055	Public School Retirement System		24 MoReg 2234	.....	25 MoReg 114
16 CSR 10-6.020	Public School Retirement System		25 MoReg 24		
16 CSR 10-6.040	Public School Retirement System		24 MoReg 2235	.....	25 MoReg 114
16 CSR 10-6.045	Public School Retirement System		24 MoReg 2822		
16 CSR 10-6.060	Public School Retirement System		24 MoReg 2235	.....	25 MoReg 114
16 CSR 10-6.090	Public School Retirement System		24 MoReg 2236	.....	25 MoReg 114
16 CSR 10-6.100	Public School Retirement System		24 MoReg 2236	.....	25 MoReg 115
BOARDS OF POLICE COMMISSIONERS					
17 CSR 10-2.010	Kansas City Board of Police Commissioners		This IssueR		
			This Issue		
17 CSR 10-2.020	Kansas City Board of Police Commissioners		This IssueR		
			This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
17 CSR 10-2.030	Kansas City Board of Police Commissioners		This IssueR		
	.....		This Issue		
17 CSR 10-2.040	Kansas City Board of Police Commissioners		This IssueR		
	.....		This Issue		
17 CSR 10-2.050	Kansas City Board of Police Commissioners		This IssueR		
	.....		This Issue		
17 CSR 10-2.055	Kansas City Board of Police Commissioners		This IssueR		
	.....		This Issue		
17 CSR 10-2.060	Kansas City Board of Police Commissioners		This IssueR		
	.....		This Issue		
DEPARTMENT OF HEALTH					
19 CSR 10-5.010	Office of the Director		25 MoReg 24		
19 CSR 20-8.010	Environmental Health and Epidemiology	24 MoReg 2275R	24 MoReg 2423R	25 MoReg 213R	
19 CSR 20-8.020	Environmental Health and Epidemiology	24 MoReg 2275R	24 MoReg 2423R	25 MoReg 213R	
19 CSR 30-70.110	Health Standards and Licensure	24 MoReg 2276	24 MoReg 2423	25 MoReg 213	
19 CSR 30-70.120	Health Standards and Licensure	24 MoReg 2276	24 MoReg 2424	25 MoReg 214	
19 CSR 30-70.130	Health Standards and Licensure	24 MoReg 2277	24 MoReg 2427	25 MoReg 214	
19 CSR 30-70.140	Health Standards and Licensure	24 MoReg 2279	24 MoReg 2431	25 MoReg 214	
19 CSR 30-70.150	Health Standards and Licensure	24 MoReg 2281	24 MoReg 2435	25 MoReg 214	
19 CSR 30-70.160	Health Standards and Licensure	24 MoReg 2283	24 MoReg 2439	25 MoReg 214	
19 CSR 30-70.170	Health Standards and Licensure	24 MoReg 2285	24 MoReg 2443	25 MoReg 214	
19 CSR 30-70.180	Health Standards and Licensure	24 MoReg 2286	24 MoReg 2447	25 MoReg 215	
19 CSR 30-70.190	Health Standards and Licensure	24 MoReg 2288	24 MoReg 2453	25 MoReg 215	
19 CSR 30-70.195	Health Standards and Licensure	24 MoReg 2289	24 MoReg 2458	25 MoReg 215	
19 CSR 30-70.200	Health Standards and Licensure	24 MoReg 2290	24 MoReg 2461	25 MoReg 215	
19 CSR 30-70.310	Health Standards and Licensure	24 MoReg 2291	24 MoReg 2465	25 MoReg 215	
19 CSR 30-70.320	Health Standards and Licensure	24 MoReg 2292	24 MoReg 2465	25 MoReg 215	
19 CSR 30-70.330	Health Standards and Licensure	24 MoReg 2295	24 MoReg 2471	25 MoReg 216	
19 CSR 30-70.340	Health Standards and Licensure	24 MoReg 2296	24 MoReg 2471	25 MoReg 216	
19 CSR 30-70.350	Health Standards and Licensure	24 MoReg 2297	24 MoReg 2472	25 MoReg 216	
19 CSR 30-70.360	Health Standards and Licensure	24 MoReg 2297	24 MoReg 2472	25 MoReg 216	
19 CSR 30-70.370	Health Standards and Licensure	24 MoReg 2298	24 MoReg 2473	25 MoReg 216	
19 CSR 30-70.380	Health Standards and Licensure	24 MoReg 2398	24 MoReg 2473	25 MoReg 217	
19 CSR 30-70.390	Health Standards and Licensure	24 MoReg 2300	24 MoReg 2477	25 MoReg 217	
19 CSR 30-70.400	Health Standards and Licensure	24 MoReg 2301	24 MoReg 2477	25 MoReg 217	
19 CSR 30-70.510	Health Standards and Licensure	24 MoReg 2301	24 MoReg 2478	25 MoReg 217	
19 CSR 30-70.520	Health Standards and Licensure	24 MoReg 2302	24 MoReg 2478	25 MoReg 217	
19 CSR 30-70.600	Health Standards and Licensure	24 MoReg 2302	24 MoReg 2482	25 MoReg 217	
19 CSR 30-70.610	Health Standards and Licensure	24 MoReg 2304	24 MoReg 2483	25 MoReg 218	
19 CSR 30-70.620	Health Standards and Licensure	24 MoReg 2305	24 MoReg 2484	25 MoReg 218	This Issue
19 CSR 30-70.630	Health Standards and Licensure	24 MoReg 2307	24 MoReg 2493	25 MoReg 219	
19 CSR 30-70.640	Health Standards and Licensure	24 MoReg 2312	24 MoReg 2503	25 MoReg 222	
19 CSR 40-13.010	Maternal, Child and Family Health		24 MoReg 515		
19 CSR 40-13.020	Maternal, Child and Family Health		24 MoReg 526		
19 CSR 40-13.030	Maternal, Child and Family Health		24 MoReg 527		
19 CSR 60-50	Missouri Health Facilities Review			24 MoReg 2243	
	.....			24 MoReg 2721	
19 CSR 60-50.300	Missouri Health Facilities Review		24 MoReg 2822	25 MoReg 222W	
	.....		25 MoReg 206		
19 CSR 60-50.310	Missouri Health Facilities Review		24 MoReg 2823		
19 CSR 60-50.420	Missouri Health Facilities Review			25 MoReg 116	
	.....			25 MoReg 329	
	.....			This Issue	
19 CSR 60-50.470	Missouri Health Facilities Review		24 MoReg 2825		
	.....		25 MoReg 207		
19 CSR 60-50.700	Missouri Health Facilities Review		24 MoReg 2825		
DEPARTMENT OF INSURANCE					
20 CSR	Medical Malpractice			23 MoReg 514	
	.....			24 MoReg 682	
20 CSR 500-4.100	Property and Casualty		24 MoReg 1950	25 MoReg 223	
20 CSR 500-7.200	Property and Casualty		24 MoReg 1587		
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.010	Health Care Plan	25 MoReg 7	25 MoReg 41		
22 CSR 10-2.020	Health Care Plan	25 MoReg 7	25 MoReg 41		
22 CSR 10-2.040	Health Care Plan	25 MoReg 8	25 MoReg 42		
	.....	25 MoReg 145T			
	.....	25 MoReg 145			
22 CSR 10-2.050	Health Care Plan	25 MoReg 9	25 MoReg 45		
22 CSR 10-2.060	Health Care Plan	25 MoReg 10	25 MoReg 45		
22 CSR 10-2.063	Health Care Plan	25 MoReg 12	25 MoReg 47		
	.....	25 MoReg 146T			
	.....	25 MoReg 146			
22 CSR 10-2.075	Health Care Plan	25 MoReg 13	25 MoReg 49		

Emergency Rules in Effect as of February 15, 2000

Expires

Office of Administration

Commissioner of Administration

1 CSR 10-15.010 Cafeteria Plan June 28, 2000

Department of Agriculture

Market Development

2 CSR 10-5.005 Price Reporting Requirements for Livestock Purchases by Packers March 2, 2000

State Milk Board

2 CSR 80-2.180 Adoption of the *Grade A Pasteurized Milk Ordinance* with Administrative Procedures—Recommendations of the United States Public Health Service/Food and Drug Administration (PMO) May 1, 2000

Missouri Agricultural and Small Business Development Authority

2 CSR 100-8.010 Description of Operation, Definitions, Applicant Requirements, Procedures for Grant Approval, Funding of Grants, and Amending the Rules for the Missouri Value-Added Grant Program February 24, 2000

Department of Transportation

Missouri Highways and Transportation Commission

7 CSR 10-2.010 Overdimension and Overweight Permits May 16, 2000

7 CSR 10-2.010 Overdimension and Overweight Permits May 16, 2000

7 CSR 10-10.010 Definitions May 16, 2000

7 CSR 10-10.040 Contractor Performance Questionnaire Used in Evaluating Contractor Performance May 16, 2000

7 CSR 10-10.050 Procedure and Schedule for Completing the Contractor Performance Questionnaire May 16, 2000

7 CSR 10-10.070 Procedure for Annual Rating of Contractors May 16, 2000

Department of Labor and Industrial Relations

Missouri Commission on Human Rights

8 CSR 60-3.040 Employment Practices Related to Men and Women Terminated December 29, 1999

Department of Mental Health

Certification Standards

9 CSR 30-4.030 Certification Standards Definitions February 17, 2000

9 CSR 30-4.034 Personnel and Staff Development February 17, 2000

9 CSR 30-4.035 Client Records of a Community Psychiatric Rehabilitation Program February 17, 2000

9 CSR 30-4.039 Service Provision February 17, 2000

9 CSR 30-4.042 Admission Criteria February 17, 2000

9 CSR 30-4.043 Treatment Provided by a Community Psychiatric Rehabilitation Program February 17, 2000

Department of Natural Resources

Air Conservation Commission

10 CSR 10-5.380 Motor Vehicle Emissions Inspection June 28, 2000

Public Drinking Water Program

10 CSR 60-3.010 Construction Authorization, Final Approval of Construction Owner-Supervised Program and Permit to Dispense Water March 27, 2000

10 CSR 60-3.020 Continuing Operating Authority March 27, 2000

10 CSR 60-3.030 Technical, Managerial, and Financial Capacity March 27, 2000

Department of Public Safety

Missouri Gaming Commission

11 CSR 45-10.150 Child Care Facilities—License Required June 7, 2000

11 CSR 45-13.055 Immediate Revocation or Suspension of License—Expedited Hearing February 24, 2000

Missouri State Highway Patrol

11 CSR 50-2.350 Applicability of Motor Vehicle Emission Inspection June 28, 2000

11 CSR 50-2.360 Emission Fee June 28, 2000

11 CSR 50-2.370 Inspection Station Licensing June 28, 2000

11 CSR 50-2.380 Inspector/Mechanic Licensing June 28, 2000

11 CSR 50-2.390 Safety/Emission Stickers June 28, 2000

11 CSR 50-2.401 General Specifications June 28, 2000

11 CSR 50-2.402 MAS Software Functions June 28, 2000

11 CSR 50-2.403 Missouri Analyzer System (MAS) Display and Program Requirements June 28, 2000

11 CSR 50-2.404	Test Record Specifications	June 28, 2000
11 CSR 50-2.405	Vehicle Inspection Certificate, Vehicle Inspection Report and Printer Function Specifications	June 28, 2000
11 CSR 50-2.406	Technical Specifications for the MAS	June 28, 2000
11 CSR 50-2.407	Documentation, Logistics and Warranty Requirements	June 28, 2000
11 CSR 50-2.410	Vehicles Failing Reinspection	June 28, 2000
11 CSR 50-2.420	Procedures for Conducting Only Emission Tests	June 28, 2000
Peace Officer Standards and Training Program		
11 CSR 75-11.040	Suspension of the Certification of a Peace Officer, Reserve Officer or Chief Executive Officer for Failing to Maintain Minimum Continuing Education Requirements	May 29, 2000

Department of Revenue

Director of Revenue

12 CSR 10-2.015	Employers' Withholding of Tax	May 6, 2000
12 CSR 10-3.460	Return Required	June 28, 2000
12 CSR 10-23.446	Notice of Lien	February 23, 2000
12 CSR 10-41.010	Annual Adjusted Rate of Interest	June 28, 2000

Department of Social Services

Division of Aging

13 CSR 15-14.012	Construction Standards for New Intermediate Care and Skilled Nursing Facilities and Additions to and Major Remodeling of Intermediate Care and Skilled Nursing Facilities	February 24, 2000
13 CSR 15-14.022	Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities	February 24, 2000

Division of Family Services

13 CSR 40-19.020	Low Income Home Energy Assistance Program	March 28, 2000
-------------------------	---	----------------

Division of Medical Services

13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services	March 29, 2000
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services	March 29, 2000
13 CSR 70-10.050	Pediatric Nursing Care Plan	March 29, 2000
13 CSR 70-10.080	Prospective Reimbursement Plan for HIV Nursing Care Services	March 29, 2000
13 CSR 70-10.110	Nursing Facility Reimbursement Allowance	March 29, 2000
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Reimbursement Methodology	May 29, 2000

Missouri Board of Nursing Home Administrators

13 CSR 73-2.015	Fees	June 7, 2000
13 CSR 73-2.020	Procedures and Requirements for Licensure of Nursing Home Administrators	June 7, 2000
13 CSR 73-2.070	Examination	June 7, 2000

Elected Officials

Treasurer

15 CSR 50-4.020	Missouri Higher Education Savings Board	March 11, 2000
------------------------	---	----------------

Department of Health

Environmental Health and Communicable Disease Prevention

19 CSR 20-8.010	Accreditation of Lead Training Program	February 25, 2000
19 CSR 20-8.020	Licensing of Lead Inspectors, Lead Abatement Workers and Lead Abatement Supervisors/Contractors	February 25, 2000

Division of Health Standards and Licensure

19 CSR 30-70.110	Definitions and Abbreviation for Lead Abatement and Assessment Licensing	February 25, 2000
19 CSR 30-70.120	General	February 25, 2000
19 CSR 30-70.130	Application Process and Requirements for the Licensure of Lead Inspectors	February 25, 2000
19 CSR 30-70.140	Application Process and Requirements for the Licensure of Risk Assessors	February 25, 2000
19 CSR 30-70.150	Application Process and Requirements for the Licensure of Lead Abatement Workers	February 25, 2000
19 CSR 30-70.160	Application Process and Requirements for the Licensure of Lead Abatement Supervisors	February 25, 2000
19 CSR 30-70.170	Application Process and Requirements for the Licensure of Project Designers	February 25, 2000
19 CSR 30-70.180	Application Process and Licensure Renewal Requirements for Lead Abatement Contractors	February 25, 2000
19 CSR 30-70.190	Renewal of Lead Occupation Licenses	February 25, 2000
19 CSR 30-70.195	Application Process and Requirements for Re-application After License Expiration	February 25, 2000
19 CSR 30-70.200	Application Process and Requirements for the Licensure of Risk Assessors Who Possessed a Valid Missouri Lead Inspector License on August 28, 1998	February 25, 2000
19 CSR 30-70.310	Definitions and Abbreviations for the Accreditation of Training Providers	February 25, 2000
19 CSR 30-70.320	Accreditation of Training Providers for Training Courses	February 25, 2000
19 CSR 30-70.330	Requirements for a Training Provider of a Lead Inspector Training Course	February 25, 2000

19 CSR 30-70.340	Requirements for a Training Provider of a Risk Assessor Training Course	February 25, 2000
19 CSR 30-70.350	Requirements for a Training Provider of a Lead Abatement Worker Training Course	February 25, 2000
19 CSR 30-70.360	Requirements for a Training Provider of a Lead Abatement Supervisor Training Course	February 25, 2000
19 CSR 30-70.370	Requirements for a Training Provider of a Project Designer Training Course	February 25, 2000
19 CSR 30-70.380	Requirements for the Accreditation of Refresher Courses	February 25, 2000
19 CSR 30-70.390	Re-accreditation of a Training Course or Refresher Course	February 25, 2000
19 CSR 30-70.400	Suspension, Revocation, and Restriction of Accredited Training Providers	February 25, 2000
19 CSR 30-70.510	Standard of Professional Conduct	February 25, 2000
19 CSR 30-70.520	Public Complaint Handling and Disposition Procedure	February 25, 2000
19 CSR 30-70.600	Definitions Pertaining to the Work Practice Standards for Conducting Lead-Bearing Substance Activities	February 25, 2000
19 CSR 30-70.610	Work Practice Standards for a Lead Inspection	February 25, 2000
19 CSR 30-70.620	Work Practice Standards for a Lead Risk Assessment	February 25, 2000
19 CSR 30-70.630	Lead Abatement Work Practice Standards	February 25, 2000
19 CSR 30-70.640	Project Notification for Industrial Lead Abatement Projects	February 25, 2000
Division of Maternal, Child and Family Health		
19 CSR 40-3.010	Administration of the SIDS Program	February 24, 2000

Missouri Consolidated Health Care Plan

Health Care Plan

22 CSR 10-2.010	Definitions	June 28, 2000
22 CSR 10-2.020	Membership Agreement and Participation Period.	June 28, 2000
22 CSR 10-2.040	Indemnity Plan Summary of Medical Benefits	Terminated January 14, 2000
22 CSR 10-2.040	Indemnity Plan Summary of Medical Benefits.	June 28, 2000
22 CSR 10-2.050	Indemnity Plan Benefit Provisions and Covered Charges	June 28, 2000
22 CSR 10-2.060	Indemnity Plan Limitations	June 28, 2000
22 CSR 10-2.063	HMO/POS/POS98 Summary of Medical Benefits	Terminated January 14, 2000
22 CSR 10-2.063	HMO/POS/POS98 Summary of Medical Benefits	June 28, 2000
22 CSR 10-2.075	Review and Appeals Procedure	June 28, 2000

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, STATE BOARD OF
fees; 4 CSR 10-2.160; 11/1/99; 2/15/00

AGING, DIVISION OF
construction standards; 13 CSR 15-14.012; 6/15/99, 8/16/99,
12/1/99
fire safety; 13 CSR 15-14.022; 6/15/99, 8/16/99, 12/1/99
physical plant requirements; 13 CSR 15-14.032; 3/1/99, 6/15/99

**AGRICULTURAL AND SMALL BUSINESS
DEVELOPMENT AUTHORITY**
grant program; 2 CSR 100-8.010; 8/2/99, 11/15/99

AIR QUALITY, POLLUTION
administrative penalties; 10 CSR 10-6.230; 5/17/99, 10/1/99
aerospace manufacture; 10 CSR 10-5.295; 8/16/99, 1/3/00
construction permits required; 10 CSR 10-6.060; 5/17/99,
10/1/99
definitions; 10 CSR 10-6.020; 11/1/99
emissions
 batch process operations; 10 CSR 10-5.540; 8/16/99,
 1/3/00
 data and fees; 10 CSR 10-6.110; 6/15/98, 11/2/98, 6/15/99,
 11/1/99
 existing major sources; 10 CSR 10-5.520; 8/16/99, 1/3/00
 hazardous air pollutants; 10 CSR 10-6.080; 9/15/99, 2/15/00
 landfills, municipal solid waste; 10 CSR 10-6.310; 11/15/99
 nitrogen oxides; 10 CSR 10-5.510; 8/16/99, 1/3/00
 paints, varnishes, lacquers, enamels and other coating
 products; 10 CSR 10-5.390, 2/1/00
 reactor processes, distillation; 10 CSR 10-5.550; 8/16/99,
 1/3/00
 visible air contaminants; 10 CSR 10-2.060; 10 CSR 10-
 3.080; 10 CSR 10-4.060; 10 CSR 10-5.090; 10/15/99
 volatile organic liquid; 10 CSR 10-5.500; 8/16/99, 1/3/00
 wood furniture manufacturing; 10 CSR 10-5.530; 8/16/99,
 1/3/00
gasoline oxygen content; 10 CSR 10-5.446; 1/4/99
landfills, municipal solid waste; 10 CSR 10-5.490; 11/15/99
maximum achievable control technology; 10 CSR 10-6.070;
9/15/99, 2/15/00
motor vehicle emissions inspection; 10 CSR 10-5.380; 6/15/99,
11/1/99, 12/15/99, 1/3/00
new source performance regulations; 10 CSR 10-6.070; 9/15/99,
2/15/00
open burning; 10 CSR 10-5.070; 9/15/99
operating permits; 10 CSR 10-6.065; 11/1/99
restriction of emission
 particulate matter, industrial processes; 10 CSR 10-6.400;
 2/15/00
 visible air contaminants; 10 CSR 10-6.220; 5/3/99, 10/1/99

ATTORNEY GENERAL, OFFICE OF THE
sale of livestock
 concealment, suppression or omission of prices; 15 CSR
 60-11.020; 5/3/99
 definitions; 15 CSR 60-11.010; 5/3/99

BINGO
bank account; 11 CSR 45-30.220; 12/1/99
electronic monitoring devices; 11 CSR 45-30.60; 6/15/99,
11/1/99

inventory and ownership, equipment; 11 CSR 45-30.180; 12/1/99
net receipts; 11 CSR 45-30.280; 12/1/99
progressive games; 11 CSR 45-30.370; 6/15/99, 11/15/99,
12/1/99
record keeping, suppliers; 11 CSR 45-30.525; 6/15/99, 11/1/99
reports; 11 CSR 45-30.210; 12/1/99
rules of play; 11 CSR 45-30.190; 12/1/99

BOLL WEEVIL ERADICATION
cotton stalk destruction; 2 CSR 70-13.040; 8/2/99, 11/15/99
definitions; 2 CSR 70-13.010; 8/2/99, 11/15/99
exterior quarantine; 2 CSR 70-13.025; 8/2/99, 11/15/99
intrastate quarantine; 2 CSR 70-13.020; 8/2/99, 11/15/99
participation, fee, penalties; 2 CSR 70-13.030; 8/2/99, 11/15/99
purchase of cotton; 2 CSR 70-13.035; 8/2/99, 11/15/99
regions; 2 CSR 70-13.015; 8/2/99, 11/15/99

CAFETERIA PLAN
state employees; 1 CSR 10-15.010; 10/15/99, 1/14/00, 2/1/00

CERTIFICATE OF NEED
application package; 19 CSR 60-50.430; 8/2/99, 12/1/99
application process; 19 CSR 60-50.420; 8/2/99, 12/1/99
criteria and standards for long-term care; 19 CSR 60-50.450;
8/2/99, 12/1/99
definitions; 19 CSR 60-50.300; 12/1/99, 1/14/00
financial feasibility; 19 CSR 60-50.470; 12/1/99, 1/14/00
guidelines, health services; 19 CSR 60-50.310; 12/1/99
letter of intent package; 19 CSR 60-50.410; 8/2/99, 12/1/99
letter of intent process; 19 CSR 60-50.400; 8/2/99, 12/1/99
post-decision activity; 19 CSR 60-50.700; 12/1/99

CHIROPRACTIC EXAMINERS, STATE BOARD OF
application for licensure; 4 CSR 70-2.040; 9/15/99, 1/3/00
examination; 4 CSR 70-2.050; 9/15/99, 1/3/00
fees; 4 CSR 70-2.090; 7/15/99; 10/15/99, 1/3/00
reciprocity; 4 CSR 70-2.070; 9/15/99, 1/3/00

CLEAN WATER COMMISSION
direct loan programs; 10 CSR 20-4.041; 8/2/99, 2/1/00
effluent regulations; 10 CSR 20-7.015; 2/1/00
grants; 10 CSR 20-4.061; 7/15/99, 2/1/00
 40% construction; 10 CSR 20-4.023; 8/2/99, 2/1/00
 hardship; 10 CSR 20-4.043; 8/2/99, 2/1/00
 sewer, districts and municipal; 10 CSR 20-4.030; 8/2/99,
 2/1/00
penalty assessment protocol; 10 CSR 20-3.010; 5/17/99, 2/1/00

COMMUNICABLE DISEASES
confidentiality; 19 CSR 20-20.075; 8/16/99, 12/1/99

CONSERVATION COMMISSION
areas; 3 CSR 10-4.115; 10/15/99, 1/3/00, 2/1/00
areas owned by other entities; 3 CSR 10-4.116; 10/15/99,
1/3/00
falconry; 3 CSR 10-9.442; 10/1/99
general provisions; 3 CSR 10-6.405, 3 CSR 10-7.405; 10/15/99,
1/3/00
 fishing; 3 CSR 10-6.405; 2/1/00
inspection; 3 CSR 10-4.125; 10/15/99, 1/3/00
migratory game birds; 3 CSR 10-7.440; 7/15/99, 10/1/99, 2/1/00
organization; 3 CSR 10-1.010; 12/1/99; 2/15/00

paddlefish; 3 CSR 10-6.525; 6/15/99, 9/1/99
permits
 how obtained; 3 CSR 10-5.215; 10/15/99, 1/3/00
 required; 3 CSR 10-5.205; 10/15/99, 1/3/00
 signed and carried; 3 CSR 10-5.210; 10/15/99, 1/3/00
trapping; 3 CSR 10-8.505; 10/15/99, 1/3/00
turkeys; 3 CSR 10-7.455; 3/1/99

COSMETOLOGY, STATE BOARD OF

identification; 4 CSR 90-13.060; 7/15/99, 11/15/99
license, duplicate, 4 CSR 90-13.040; 7/15/99, 11/15/99
students; 4 CSR 90-3.010; 9/1/98, 2/16/99, 6/15/99

CREDIT UNION COMMISSION

definitions; 4 CSR 105-3.010; 8/2/99, 12/15/99
economic advisability; 4 CSR 105-3.030; 8/2/99, 12/15/99
exemptions, limitations on groups; 4 CSR 105-3.040; 2/15/00
membership groups; 4 CSR 105-3.020; 8/2/99, 12/15/99
organization; 4 CSR 105-1.010; 8/2/99, 12/15/99
rules of procedure; 4 CSR 105-2.010; 8/2/99, 12/15/99
special shares and thrift accounts; 4 CSR 100-2.190; 2/1/00

DEALER LICENSURE

advertising regulation; 12 CSR 10-26.100; 12/1/99
antique vehicles; 12 CSR 10-26.110; 12/1/99
auctions, dealers, manufacturers; 12 CSR 10-26.020; 12/1/99
 public vehicles; 12 CSR 10-26.080; 12/1/99
 wholesale vehicles; 12 CSR 10-26.070; 12/1/99
business records; 12 CSR 10-26.050; 12/1/99
complaints; 12 CSR 10-26.120; 12/1/99
established place of business; 12 CSR 10-26.010; 12/1/99
fees; 12 CSR 10-26.040; 12/1/99
hearing officer; 12 CSR 10-26.150; 12/1/99
hearing procedures; 12 CSR 10-26.140; 12/1/99
license denial, disciplinary action; 12 CSR 10-26.130; 12/1/99
license plates; 12 CSR 10-26.060; 12/1/99
license renewal; 12 CSR 10-26.030; 12/1/99
off-premises shows and tent sales; 12 CSR 10-26.090; 12/1/99
prehearing conferences, stipulations; 12 CSR 10-26.170; 12/1/99
waiver of hearing; 12 CSR 10-26.160; 12/1/99

DRIVERS LICENSE BUREAU RULES

back of driver license; 12 CSR 10-24.430; 10/1/99, 1/14/00
deletion of convictions; 12 CSR 10-24.050; 12/15/99
motor voter application; 12 CSR 10-24.440; 5/3/99, 8/16/99

ELEMENTARY AND SECONDARY EDUCATION

certificate to teach
 revocation, suspension, invalidation and deletion; 5 CSR 80-800.040; 5/3/99, 8/16/99
foreign languages assistance; 5 CSR 50-321.200; 5/3/99, 8/16/99
fund program; 5 CSR 50-270.050; 4/1/99, 8/16/99
Goals 2000; 5 CSR 50-860.100; 5/3/99, 8/16/99
Homeless Assistance Act; 5 CSR 50-321.300; 5/3/99, 8/16/99
Improving America's School Act; 5 CSR 50-321.010; 6/1/99, 10/1/99
state plan for
 adult education; 5 CSR 60-100.010, 12/1/99
 vocational education; 5 CSR 60-120.010, 12/1/99
substitute license to teach; 5 CSR 80-800.290; 9/1/99, 1/3/00
retired teacher program; 5 CSR 30-345.030; 11/1/99; 2/15/00
vocational rehabilitation
 appeals; 5 CSR 90-4.400; 2/15/00
 confidentiality, release of information; 5 CSR 90-4.110; 2/15/00
 definitions; 5 CSR 90-4.100; 2/15/00
 due process hearing; 5 CSR 90-4.420; 2/15/00
 fees; 5 CSR 90-5.410; 2/15/00

eligibility; 5 CSR 90-4.200; 2/15/00
home modification, remodeling; 5 CSR 90-5.450; 2/15/00
maintenance, transportation; 5 CSR 90-5.420; 2/15/00
mediation; 5 CSR 90-4.430; 2/15/00
order of selection; 5 CSR 90-4.300; 2/15/00
physical, mental restoration; 5 CSR 90-5.430; 2/15/00
review, informal; 5 CSR 90-4.410; 2/15/00
services; 5 CSR 90-5.400; 2/15/00
standards, service providers; 5 CSR 90-4.120; 2/15/00
training; 5 CSR 90-5.440; 2/15/00
vehicle modification; 5 CSR 90-5.460; 2/15/00
waiver of regulations; 5 CSR 30-345.020; 11/1/99; 2/15/00

EMBALMERS AND FUNERAL DIRECTORS, DIVISION OF

fees; 4 CSR 120-2.100; 9/1/99, 12/15/99, 2/1/00
funeral directing; 4 CSR 120-2.060; 9/1/99, 12/15/99

EMERGENCY MEDICAL SERVICES

licensing and regulation of; 19 CSR 30-40.303; 9/1/99, 12/15/99

ENERGY ASSISTANCE

low income program; 13 CSR 40-19.020; 10/1/99

GAMING COMMISSION

chips, tokens, coupons; 11 CSR 45-5.180; 6/15/99, 11/1/99
day care facilities; 11 CSR 45-10.150; 12/15/99
definitions; 11 CSR 45-1.090; 7/1/99, 12/1/99
Disassociated Persons List
 applying for placement on list; 11 CSR 45-17.020; 5/3/99, 10/1/99
 confidentiality of list; 11 CSR 45-17.040; 5/3/99, 10/1/99
expedited hearing, emergency order suspending license
 privileges; 11 CSR 45-13.055; 2/1/00
internal control standards; 11 CSR 45-9.030; 7/1/99, 12/1/99
licensee's duty to contact commission agent; 11 CSR 45-10.055, 2/1/00
revocation or suspension; 11 CSR 45-13.055; 9/1/99
right of patrons to participate; 11 CSR 45-5.010; 2/1/00
surveillance rooms; 11 CSR 45-7.050; 4/1/99, 9/1/99
Twenty-One (Blackjack); 11 CSR 45-5.051; 2/1/00

GRAIN INSPECTION AND WAREHOUSING

agricultural commodities; 2 CSR 60-4.011; 12/1/99
 regulated as grain; 2 CSR 60-5.010; 12/1/99
appraisal values; 2 CSR 60-5.050; 12/1/99
certificates of deposit; 2 CSR 60-4.140; 2 CSR 60-5.070; 12/1/99
claim valuation; 2 CSR 60-4.180; 12/1/99
daily position record; 2 CSR 60-5.040; 12/1/99
fees; 2 CSR 60-5.120; 12/1/99
financial statements; 2 CSR 60-4.0110; 2 CSR 60-5.100; 12/1/99
interpretive rule; 2 CSR 60-5.020; 12/1/99
letters of credit; 2 CSR 60-4.150; 2 CSR 60-5.080; 12/1/99
licensing; 2 CSR 60-4.040; 12/1/99
notification, destruction or damage; 2 CSR 60-4.070; 12/1/99
scale tickets; 2 CSR 60-5.030; 12/1/99

HAZARDOUS WASTE MANAGEMENT

administrative penalties; 10 CSR 25-14.010; 5/17/99, 10/15/99
fees and taxes; 10 CSR 25-12.010; 6/1/99, 10/15/99

HEALTH CARE PLAN

definitions; 22 CSR 10-2.010; 1/3/00
HMO/POS summary of benefits; 22 CSR 10-2.063; 1/3/00, 1/14/00

indemnity plan

benefit provisions, covered charges; 22 CSR 10-2.050; 1/3/00
limitations; 22 CSR 10-2.060; 1/3/00
summary of medical benefits; 22 CSR 10-2.040; 1/3/00, 1/14/00
membership agreement and participation; 22 CSR 10-2.020; 1/3/00
review, appeals procedure; 22 CSR 10-2.075; 1/3/00

HEALTH MAINTENANCE ORGANIZATIONS

monitoring; 19 CSR 10-5.010; 1/3/00

HEARING INSTRUMENT SPECIALISTS, BOARD OF EXAMINERS FOR

continuing education; 4 CSR 165-2.050; 8/2/99, 11/15/99
licensure by exam; 4 CSR 165-2.030; 8/2/99, 11/15/99
specialist in training; 4 CSR 165-2.010; 8/2/99, 11/15/99

HIGHER EDUCATION, DEPARTMENT OF

survivor grant program; 6 CSR 10-2.100; 7/1/99, 12/1/99

HIGHER EDUCATION SAVINGS PROGRAM

board; 15 CSR 50-4.020; 10/1/99, 1/14/00
organization; 15 CSR 50-4.010; 10/1/99, 1/14/00

HIGHWAYS AND TRANSPORTATION COMMISSION

contractor performance questionnaire
procedure for completing; 7 CSR 10-10.040; 12/15/99
used in evaluating performance; 7 CSR 10-10.050; 12/15/99
definitions; 7 CSR 10-10.010; 12/15/99
rating of contractors; 7 CSR 10-10.070; 12/15/99

HUMAN RIGHTS, MISSOURI COMMISSION ON

employment practices; 8 CSR 60-3.040; 10/15/99, 1/14/00, 2/1/00

IMMUNIZATION

coverage by insurance policy; 19 CSR 20-28.060; 6/15/99, 10/1/99

INSURANCE, DEPARTMENT OF

affidavits; 20 CSR 700-6.300; 12/15/98, 6/15/99, 10/1/99
agents
appointment of; 20 CSR 700-1.130; 5/17/99, 10/15/99
exam and licensing; 20 CSR 700-1.010; 5/17/99, 10/15/99
amendment or reinstatement of articles; 20 CSR 200-5.010; 12/15/98, 6/15/99, 10/1/99
application for certificate of authority; 20 CSR 200-9.600; 12/15/98, 6/15/99, 10/1/99
brokers; 20 CSR 700-1.100; 5/17/99, 10/15/99
deposit of securities; 20 CSR 200-7.200; 12/15/98, 6/15/99, 10/1/99
dissolution of plan; 20 CSR 200-14.400; 12/15/98, 6/15/99, 10/1/99
federal liability risk retention; 20 CSR 200-8.100; 6/15/99, 10/1/99
forms and fees; 20 CSR 200-10.500; 12/15/98, 6/15/99, 10/1/99
group health filings; 20 CSR 400-2.130; 12/15/98, 6/15/99, 10/1/99
law interpretations; 20 CSR 500-4.100; 8/16/99, 1/14/00
licensing of agencies; 20 CSR 700-1.110; 12/15/98, 6/15/99, 10/1/99
medical malpractice award; 20 CSR; 2/14/98, 3/1/99
modified guaranty annuity; 20 CSR 400-1.150; 12/15/98, 6/15/99, 10/1/99
prelicensing education; 20 CSR 700-3.100; 12/15/98, 6/15/99, 10/1/99

rate variations; 20 CSR 500-4.300; 12/15/98, 6/15/99, 10/1/99
referenced or adopted material; 20 CSR 10-1.020; 12/15/98, 6/15/99, 10/1/99
reinsurance intermediary license; 20 CSR 700-7.100; 12/15/98, 6/15/99, 10/1/99
service of process; 20 CSR 800-2.010; 12/15/98, 6/15/99, 10/1/99
standards for policy issuance; 20 CSR 500-7.200; 12/15/98, 6/15/99, 10/1/99
surplus lines forms; 20 CSR 200-6.100; 12/15/98, 6/1/99, 10/1/99
utilization review; 20 CSR 700-4.100; 12/15/98, 6/15/99, 10/1/99

INVESTMENT OF NONSTATE FUNDS

investment instruments; 12 CSR 10-43.020; 9/15/99; 1/3/00
collateral requirements; 12 CSR 10-43.030; 9/15/99; 1/3/00

LABOR AND INDUSTRIAL RELATIONS, DIVISION OF

state board of mediation
amendment; 8 CSR 40-2.055; 6/15/99, 10/1/99
certification; 8 CSR 40-2.030; 6/15/99, 10/1/99
decertification; 8 CSR 40-2.040; 6/15/99, 10/1/99
definitions; 8 CSR 40-2.010; 6/15/99, 10/1/99
election
agreement for consent; 8 CSR 40-2.180; 6/15/99, 10/1/99
notice; 8 CSR 40-2.150; 6/15/99, 10/1/99
procedure; 8 CSR 40-2.160; 6/15/99, 10/1/99
runoff; 8 CSR 40-2.170; 6/15/99, 10/1/99
initial action; 8 CSR 40-2.100; 6/15/99, 10/1/99
intervention; 8 CSR 40-2.130; 6/15/99, 10/1/99
list of employees; 8 CSR 40-2.120; 6/15/99, 10/1/99
petitions; 8 CSR 40-2.020; 6/15/99, 10/1/99
petitioning party; 8 CSR 40-2.110; 6/15/99, 10/1/99
showing of interest; 8 CSR 40-2.070; 6/15/99, 10/1/99
unit clarification; 8 CSR 40-2.050; 6/15/99

LIVESTOCK PURCHASES

price reporting; 2 CSR 10-5.005; 10/1/99; 2 CSR 10-5.010; 11/15/99

LEAD ABATEMENT AND ASSESSMENT LICENSING, TRAINING ACCREDITATION

accreditation; 19 CSR 20-8.010, 10/1/99, 1/14/00
application
lead abatement
contractors; 19 CSR 30-70.180; 10/1/99, 1/14/00
supervisors; 19 CSR 30-70.160; 10/1/99, 1/14/00
workers; 19 CSR 30-70.150; 10/1/99, 1/14/00
lead inspectors; 19 CSR 30-70.130; 10/1/99, 1/14/00
project designers; 19 CSR 30-70.170; 10/1/99, 1/14/00
risk assessors; 19 CSR 30-70.140; 19 CSR 30-70.200; 10/1/99, 1/14/00
complaint handling; 19 CSR 30-70.520; 10/1/99, 1/14/00
definitions
lead abatement and assessment; 19 CSR 30-70.110; 10/1/99, 1/14/00
training providers; 19 CSR 30-70.310; 10/1/99, 1/14/00
work practice standards; 19 CSR 30-70.600; 10/1/99, 1/14/00
general; 19 CSR 30-70.120; 10/1/99, 1/14/00
licensing; 19 CSR 20-8.020; 10/1/99, 1/14/00
occupation licenses; 19 CSR 30-70.190; 10/1/99, 1/14/00
project notification; 19 CSR 30-70.640; 10/1/99, 1/14/00
reapplication; 19 CSR 30-70.195; 10/1/99, 1/14/00
refresher courses; 19 CSR 30-70.380; 10/1/99, 1/14/00
reaccreditation; 19 CSR 30-70.390; 10/1/99, 1/14/00

standards of professional conduct; 19 CSR 30-70.510; 10/1/99, 1/14/00
 suspension, revocation, restriction; 19 CSR 30-70.400; 10/1/99, 1/14/00
 training courses
 lead abatement supervisor; 19 CSR 30-70.360; 10/1/99, 1/14/00
 lead abatement worker; 19 CSR 30-70.350; 10/1/99, 1/14/00
 lead inspector; 19 CSR 30-70.330; 10/1/99, 1/14/00
 project designer; 19 CSR 30-70.370; 10/1/99, 1/14/00
 risk assessor; 19 CSR 30-70.340; 10/1/99, 1/14/00
 training providers; 19 CSR 30-70.320; 10/1/99, 1/14/00
 work practice standards
 lead abatement; 19 CSR 30-70.630; 10/1/99, 1/14/00
 lead inspection; 19 CSR 30-70.610; 10/1/99, 1/14/00
 lead risk assessment; 19 CSR 30-70.620; 10/1/99, 1/14/00; 2/15/00

LIQUOR CONTROL, DIVISION OF

unlawful discrimination and price scheduling; 11 CSR 70-2.190; 10/1/99, 2/1/00

LOCAL RECORDS

grant program; 15 CSR 30-45.030; 9/1/99; 1/3/00

LOTTERY, STATE

cash prizes; 12 CSR 40-60.020; 2/15/00
 instant game
 definitions; 12 CSR 40-80.010; 11/2/98, 7/15/99, 11/1/99
 designations for specifics for each game; 12 CSR 40-90.110; 11/2/98, 7/15/99, 11/1/99
 disputes; 12 CSR 40-80.100; 11/2/98, 7/15/99, 11/1/99
 limitation on awarding prizes; 12 CSR 40-80.030; 11/2/98, 7/15/99, 11/1/99
 manner of selecting; 12 CSR 40-80.020; 11/2/98, 7/15/99, 11/1/99
 number and value of prizes; 12 CSR 40-90.030, 12 CSR 40-90.080; 11/2/98, 7/15/99, 11/1/99
 retailer validation code; 12 CSR 40-90.050, 12 CSR 40-90.100; 11/2/98, 7/15/99, 11/1/99
 return of tickets; 12 CSR 40-20.040; 11/2/98, 7/15/99, 11/1/99
 rub-off spots; 12 CSR 40-90.020, 12 CSR 40-90.070; 12 CSR 40-90.090; 11/2/98, 7/15/99, 11/1/99
 licenses; 12 CSR 40-40.090; 2/15/00
 state fair spin; 12 CSR 40-90.120; 11/2/98, 7/15/99, 11/1/99
 symbol captions; 12 CSR 40-90.040; 11/2/98, 7/15/99, 11/1/99
 theme number 1; 12 CSR 40-90.010; 11/2/98, 7/15/99, 11/1/99
 theme number 2; 12 CSR 40-90.060; 11/2/98, 7/15/99, 11/1/99
 ticket responsibility; 12 CSR 40-80.090; 11/2/98, 7/15/99, 11/1/99
 validation requirements; 12 CSR 40-80.050; 11/2/98, 7/15/99, 11/1/99

MEDICAID

certificate of need projects; 13 CSR 70-15.010; 1/14/00
 computation of overpayment; 13 CSR 70-3.130; 7/15/99
 children's health insurance program; 13 CSR 70-4.080; 10/1/99
 disproportionate share hospitals; 13 CSR 70-15.010; 12/15/99
 federal reimbursement allowance; 13 CSR 70-15.110; 10/1/99 2/15/00
 GME payment; 13 CSR 70-15.010; 7/15/99, 8/2/99, 12/1/99
 hospital reimbursement rates; 13 CSR 70-15.010; 2/16/99, 6/15/99, 10/1/99, 10/15/99
 list of restricted drugs; 13 CSR 70-20.031; 7/1/99, 11/15/99

outpatient settlements; 13 CSR 70-15.010; 6/1/99
 pediatric nursing care; 13 CSR 70-10.050; 7/1/99
 preadmission screening; 13 CSR 70-10.040; 7/1/99, 12/1/99
 provider enrollment; 13 CSR 70-3.020; 6/15/98
 sanctions for false or fraudulent claims; 13 CSR 70-3.030; 7/15/99
 settlements; 13 CSR 70-15.040; 6/15/99, 7/15/99, 10/15/99, 11/15/99
 Title XIX provider enrollment; 13 CSR 70-3.020; 7/15/99
 trend factors; 13 CSR 70-10.030; 7/1/99
 uninsured working parents' health insurance program; 13 CSR 70-4.090; 10/1/99, 10/15/99; 11/15/99, 2/15/00

MENTAL HEALTH, DEPARTMENT OF

admission criteria; 9 CSR 30-4.042; 9/15/99, 1/3/00
 client records; 9 CSR 30-4.035; 9/15/99, 1/3/00
 definitions; 9 CSR 30-4.030; 9/15/99, 1/3/00
 Missouri Alliance for Individuals; 9 CSR 45-5.040; 10/1/99
 personnel and staff development; 9 CSR 30-4.034; 9/15/99, 1/3/00
 recovery of overpayments to providers; 9 CSR 25-4.040; 10/1/99
 service provision; 9 CSR 30-4.039; 9/15/99, 1/3/00
 treatment; 9 CSR 30-4.043; 9/15/99, 1/3/00

METALLIC MINERALS WASTE MANAGEMENT

administrative penalty assessment; 10 CSR 45-3.010; 5/17/99
 closure and inspection plan; 10 CSR 45-6.020; 8/16/99
 definitions; 10 CSR 45-2.010; 8/16/99
 financial assurance; 10 CSR 45-6.030; 8/16/99
 organization; 10 CSR 45-1.010; 8/16/99
 permit applications; 10 CSR 45-6.010; 8/16/99

MILK BOARD, STATE

inspection fees; 2 CSR 80-5.010; 2/15/00
 pasteurized milk ordinance; 2 CSR 80-2.180; 11/15/99, 12/1/99

MOTOR CARRIER AND RAILROAD SAFETY

marking of vehicles; 4 CSR 265-10.025; 9/15/99, 2/15/00

MOTORCYCLE SAFETY

requirements; 11 CSR 60-1.070; 1/3/00

MOTOR VEHICLE

fees assessed; 12 CSR 10-25.090; 2/15/00
 handicapped parking cones; 12 CSR 10-23.450; 12/1/99
 notice of lien; 12 CSR 10-23.446; 10/1/99, 1/14/00
 statements of non-interest; 12 CSR 10-23.265; 8/2/99, 11/15/99

MOTOR VEHICLE COMMISSION

advertising practices; 12 CSR 60-5.010; 11/15/99
 boat dealers; 12 CSR 60-2.020; 11/15/99
 boat manufacturers; 12 CSR 60-2.110; 11/15/99
 business records; 12 CSR 60-2.140, 12 CSR 60-2.160; 11/15/99
 certificate of numbers and plates; 12 CSR 60-2.170; 11/15/99
 classic vehicle dealers; 12 CSR 60-2.080; 11/15/99
 commission; 12 CSR 60-1.020; 11/15/99
 complaint handling and disposition procedures; 12 CSR 60-1.050; 11/15/99
 dealer license plates; 12 CSR 60-2.150; 11/15/99
 definitions; 12 CSR 60-1.010; 11/15/99
 deliberations of the commission; 12 CSR 60-4.080; 11/15/99
 disciplinary procedures and hearings; 12 CSR 60-4.040; 11/15/99
 emission test procedures; 11 CSR 50-2.400; 2/1/00
 fees; 12 CSR 60-1.060; 11/15/99

franchised new dealers; 12 CSR 60-2.030; 11/15/99
hearing officer; 12 CSR 60-4.050; 11/15/99
historic vehicle dealers; 12 CSR 60-2.070; 11/15/99
license denial or disciplinary actions; 12 CSR 60-4.010; 11/15/99
licensure; 12 CSR 60-2.010; 11/15/99
motorcycle dealers; 12 CSR 60-2.090; 11/15/99
new vehicle and trailer manufacturers; 12 CSR 60-2.100;
11/15/99
notice of hearing; 12 CSR 60-4.060; 11/15/99
organization; 12 CSR 60-1.030; 11/15/99
place of business; 12 CSR 60-2.120; 11/15/99
activity conducted away; 12 CSR 60-3.010; 11/15/99
prehearing conferences and stipulations; 12 CSR 60-4.070;
11/15/99
recreational vehicle dealers; 12 CSR 60-2.060; 11/15/99
registration with the secretary of state; 12 CSR 60-2.130;
11/15/99
release of public records; 12 CSR 60-1.040; 11/15/99
review of license denial; 12 CSR 60-4.020; 11/15/99
used vehicle dealers; 12 CSR 60-2.040; 11/15/99
waiver of hearing; 12 CSR 60-4.030; 11/15/99
wholesale dealers; 12 CSR 60-2.050; 11/15/99

MOTOR VEHICLE INSPECTION DIVISION

areas for inspection; 11 CSR 50-2.350; 12/1/99
certificate, report and printer functions; 11 CSR 50-2.405;
12/1/99
display and program requirements; 11 CSR 50-2.403; 12/1/99
documentation, logistics, warranty; 11 CSR 50-2.407; 12/1/99
emission fees; 11 CSR 50-2.360; 12/1/99
emission test procedures; 11 CSR 50-2.400; 2/1/00
general specifications; 11 CSR 50-2.401; 12/1/99
inspection station licensing; 11 CSR 50-2.370; 12/1/99
inspector/mechanic licensing; 11 CSR 50-2.380; 12/1/99
MAS software functions; 11 CSR 50-2.402; 12/1/99
procedures for emission only tests; 11 CSR 50-2.420; 12/1/99
safety/emission stickers; 11 CSR 50-2.390; 12/1/99
technical specifications; 11 CSR 50-2.406; 12/1/99
test record specifications; 11 CSR 50-2.404; 12/1/99
vehicles failing reinspection; 11 CSR 50-2.410; 12/1/99

NURSING HOME ADMINISTRATORS

examination; 13 CSR 73-2.070; 12/1/99
fees; 13 CSR 73-2.015; 12/1/99
licensure; 13 CSR 73-2.020; 12/1/99

NURSING HOME PROGRAM

pediatric nursing care plan; 13 CSR 70-10.050; 7/1/99,
10/15/99
reimbursement
allowance; 13 CSR 70-10.110; 10/1/99, 10/15/99, 2/1/00
HIV nursing facilities; 13 CSR 70-10.080; 10/1/99,
10/15/99, 2/1/00
ICF/MR services; 13 CSR 70-10.030; 7/1/99, 10/15/99
nursing facilities; 13 CSR 70-10.015; 10/1/99, 10/15/99,
2/1/00

OUTDOOR ADVERTISING

beyond 600 feet of right-of-way; 7 CSR 10-6.050; 3/15/99,
10/1/99; 2/15/00
commercial and industrial areas; 7 CSR 10-6.040; 3/15/99,
10/1/99; 2/15/00
cutting and trimming of vegetation; 7 CSR 10-6.085; 3/15/99,
10/1/99; 2/15/00
definitions; 7 CSR 10-6.015; 3/15/99, 10/1/99; 2/15/00
nonconforming signs; 7 CSR 10-6.060; 3/15/99, 10/1/99;
2/15/00
permits; 7 CSR 10-6.070; 3/15/99, 10/1/99; 2/15/00

public information; 7 CSR 10-6.010; 3/15/99, 10/1/99;
2/15/00

PEACE OFFICER STANDARDS AND TRAINING PROGRAM (POST)

application procedures; 11 CSR 75-10.090; 12/15/99
certification; 11 CSR 75-3.010; 12/15/99
eligibility; 11 CSR 75-3.020; 12/15/99
officers; 11 CSR 75-3.060; 12/15/99
requirements and terms; 11 CSR 75-3.030; 12/15/99
review request for evaluation; 11 CSR 75-3.070; 12/15/99
suspension; 11 CSR 75-3.080; 12/15/99
computer-based training; 11 CSR 75-12.010; 7/15/99, 11/15/99
procedures; 11 CSR 75-12.020; 7/15/99, 11/15/99; 11 CSR
75-12.030; 7/15/99, 11/15/99
cost items; 11 CSR 75-10.060; 12/15/99
definitions; 11 CSR 75-2.010; 7/15/99, 11/15/99
fund; 11 CSR 75-10.010; 12/15/99
distribution; 11 CSR 75-10.100; 12/15/99
eligible applicants; 11 CSR 75-10.030; 12/15/99
terms and conditions; 11 CSR 75-10.020; 12/15/99
ineligible cost items; 11 CSR 75-10.070; 8/2/99, 11/15/99
training
eligible; 11 CSR 75-10.040; 12/15/99
ineligible; 11 CSR 75-10.050; 12/15/99
suspension; 11 CSR 75-11.040; 12/15/99
waivers; 11 CSR 75-3.050; 12/15/99

PERSONNEL ADVISORY BOARD AND DIVISION OF PERSONNEL

broad classification bands; 1 CSR 20-2.015; 4/15/99, 8/16/99
definitions; 1 CSR 20-5.015; 10/15/99
hours of work and holidays; 1 CSR 20-5.010; 10/15/99
leaves of absence; 1 CSR 20-5.020; 10/15/99
ShareLeave; 1 CSR 20-5.025; 10/15/99

PETITION RULES

processing procedures; 15 CSR 30-15.020; 10/1/99, 1/14/00
signature verification; 15 CSR 30-15.010; 10/1/99, 1/14/00

PETROLEUM STORAGE TANK INSURANCE FUND BOARD OF TRUSTEES

appeals procedure; 10 CSR 100-5.020; 5/3/99, 10/1/99
assessment of transport load fee; 10 CSR 100-3.010; 5/3/99,
10/1/99
claims
cleanup costs; 10 CSR 100-5.010; 5/3/99, 10/1/99
third-party; 10 CSR 100-5.030; 5/3/99, 10/1/99
definitions; 10 CSR 100-2.010; 5/3/99, 10/1/99
organization; 10 CSR 100-1.010; 5/3/99, 10/1/99
participation requirements
aboveground tanks; 10 CSR 100-4.020; 5/3/99, 10/1/99
underground tanks; 10 CSR 100-4.010; 5/3/99, 10/1/99

PHARMACY, STATE BOARD OF

disciplinary actions; 4 CSR 220-2.160; 8/2/99, 12/1/99
permits; 4 CSR 220-2.020; 8/2/99, 12/1/99
standards of operation; 4 CSR 220-2.010; 8/2/99, 12/1/99

PHYSICAL THERAPISTS AND ASSISTANTS

continuing education
acceptable; 4 CSR 150-3.203; 6/15/99, 11/15/99
extensions; 4 CSR 150-3.202; 6/15/99, 11/1/99
requirements; 4 CSR 150-3.201; 6/15/99, 11/1/99
definitions; 4 CSR 150-3.200; 6/1/99, 11/1/99
fees; 4 CSR 150-3.080; 6/1/99, 11/1/99

PHYSICIAN ASSISTANTS

renewal of license; 4 CSR 150-7.310; 11/16/98
supervision agreements; 4 CSR 150-7.135; 8/16/99, 9/1/99,
1/14/00
temporary licensure; 4 CSR 150-7.300; 11/16/98

PHYSICIANS AND SURGEONS

definitions; 4 CSR 150-2.001; 10/15/98
fees; 4 CSR 150-2.080; 2/1/00
temporary license to teach; 4 CSR 150-2.065; 10/15/98

PODIATRIC MEDICINE, STATE BOARD OF

application for licensure; 4 CSR 230-2.010; 7/1/99, 10/15/99
internship/residency; 4 CSR 230-2.065; 9/15/99, 10/15/99
temporary licensure; 4 CSR 230-2.065; 7/1/99

POLICE COMMISSIONERS, BOARD OF KANSAS CITY

application; 17 CSR 10-2.020; 2/15/00
classifications; 17 CSR 10-2.030; 2/15/00
fees; 17 CSR 10-2.040; 2/15/00
firearms qualification; 17 CSR 10-2.055; 2/15/00
regulation, licensing; 17 CSR 10-2.010; 2/15/00
suspension, revocation; 17 CSR 10-2.060; 2/15/00
testing, qualifications; 17 CSR 10-2.050; 2/15/00

PSYCHOLOGISTS, STATE COMMITTEE OF

application for licensure; 4 CSR 235-1.030; 9/1/99, 1/3/00
health service provider certification; 4 CSR 235-1.031;
9/1/99, 1/3/00
provisional; 4 CSR 235-1.025; 9/1/99, 1/3/00
temporary; 4 CSR 235-1.026; 9/1/99, 1/3/00
complaint handling; 4 CSR 235-4.030; 9/1/99, 1/3/00
definitions; 4 CSR 235-1.015; 9/1/99, 1/3/00
health care provider certification; 4 CSR 235-3.020; 9/1/99,
1/3/00
licensure by
endorsement of EPPP exam; 4 CSR 235-2.065; 9/1/99,
1/3/00
exam; 4 CSR 235-2.060; 9/1/99, 1/3/00
reciprocity; 4 CSR 235-3.020, 4 CSR 235-2.070; 9/1/99,
1/3/00
notification of change of address; 4 CSR 235-1.060; 9/1/99,
1/3/00
replacements; 4 CSR 235-1.063; 9/1/99, 1/3/00
supervised professional experience; 4 CSR 235-2.020;
4 CSR 235-2.040; 9/1/99, 1/3/00
delivery of nonhealth services; 4 CSR 235-2.050; 9/1/99,
1/3/00

PUBLIC DRINKING WATER PROGRAM

analyses; 10 CSR 60-5.010; 8/2/99, 2/1/00
capacity requirements; 10 CSR 60-3.030; 8/2/99, 10/15/99,
2/1/00
construction authorization; 10 CSR 60-3.010; 8/2/99, 10/15/99,
2/1/00
consumer confidence report; 10 CSR 60-8.030; 8/2/99, 2/1/00
contaminant levels, maximum; 10 CSR 60-4.010; 1/14/00
disinfection byproducts; 10 CSR 60-4.090; 1/14/00
turbidity and monitoring; 10 CSR 60-4.050; 1/14/00
continuing operating authority; 10 CSR 60-3.020; 8/2/99,
10/15/99, 2/1/00
definitions; 10 CSR 60-2.015; 1/14/00
disinfection requirements; 10 CSR 60-4.055; 1/14/00
exemptions; 10 CSR 60-6.020; 8/2/99, 2/1/00
laboratory certification; 10 CSR 60-5.020; 1/14/00
notification of conditions; 10 CSR 60-8.010; 1/14/00
penalty assessment; 10 CSR 60-6.070; 8/2/99, 2/1/00

reporting requirements; 10 CSR 60-7.010; 1/14/00
variances; 10 CSR 60-6.010; 8/2/99, 2/1/00
schedules; 10 CSR 60-6.030; 8/2/99, 2/1/00

PUBLIC SERVICE COMMISSION

electric utilities
affiliate transactions; 4 CSR 240-20.015; 6/1/99, 1/3/00
gas utilities
affiliate transactions; 4 CSR 240-40.015; 6/1/99, 1/3/00
marketing; 4 CSR 240-40.016; 6/1/99, 1/3/00
meetings and hearings; 4 CSR 240-2.020; 9/1/99, 12/1/99
practice and procedure
applications; 4 CSR 240-2.060; 10/1/99
briefs and oral argument; 4 CSR 240-2.140; 10/1/99
complaints; 4 CSR 240-2.070; 10/1/99
computation of effective dates; 4 CSR 240-2.050; 10/1/99
decisions of the commission; 4 CSR 240-2.150; 10/1/99
definitions; 4 CSR 240-2.010; 10/1/99
discovery and prehearings; 4 CSR 240-2.090; 10/1/99
dismissal; 4 CSR 240-2.116; 10/1/99
dispute resolution; 4 CSR 240-2.125; 10/1/99
evidence; 4 CSR 240-2.130; 10/1/99
forms; 4 CSR 240-2.170; 10/1/99
hearings; 4 CSR 240-2.110; 10/1/99
intervention; 4 CSR 240-2.075; 10/1/99
orders of the commission; 4 CSR 240-2.150; 10/1/99
pleadings; 4 CSR 240-2.080; 10/1/99
practice before the commission; 4 CSR 240-2.040; 10/1/99
presiding officers; 4 CSR 240-2.120; 10/1/99
protective orders; 4 CSR 240-2.085; 10/1/99
rehearings and reconsideration; 4 CSR 240-2.160; 10/1/99
rulemaking; 4 CSR 240-2.180; 10/1/99
small company rate increase; 4 CSR 240-2.200; 10/1/99
stipulations and agreements; 4 CSR 240-2.115; 10/1/99
subpoenas; 4 CSR 240-2.100; 10/1/99
tariff filings; 4 CSR 240-2.065; 10/1/99
waiver of rules; 4 CSR 240-2.015; 10/1/99
records of the commission; 4 CSR 240-2.030; 9/1/99, 12/1/99
safety standards; 4 CSR 240-18.010; 10/1/99, 1/14/00
steam heating utilities
affiliate transactions; 4 CSR 240-80.015; 6/1/99, 1/3/00
telecommunications companies
billing and payment standards; 4 CSR 240-33.040; 10/1/99
complaint procedures; 4 CSR 240-33.110; 10/1/99
definitions; 4 CSR 240-33.020; 10/1/99
deposits and guarantees; 4 CSR 240-33.050; 10/1/99
discontinuance of service; 4 CSR 240-33.070; 10/1/99
disputes; 4 CSR 240-33.080; 10/1/99
inquiries; 4 CSR 240-33.060; 10/1/99
operator service; 4 CSR 240-33.130; 10/1/99
payment deferral for schools and libraries; 4 CSR 240-
33.120; 10/1/99
pay telephone; 4 CSR 240-33.140; 10/1/99
settlement agreements; 4 CSR 240-33.090; 10/1/99
variance; 4 CSR 240-33.100; 10/1/99
telecommunication services
snap-back requirements; 4 CSR 240-32.120; 10/1/99
providers; 4 CSR 240-33.150; 7/15/99, 8/2/99, 10/15/99,
12/1/99
surety bonding requirements; 4 CSR 240-32.110; 10/1/99
telephone utilities
billing and payment standards; 4 CSR 240-33.040; 10/1/99
complaint procedures; 4 CSR 240-33.110; 10/1/99
definitions; 4 CSR 240-33.020; 10/1/99
deposits and guarantees; 4 CSR 240-33.050; 10/1/99
discontinuance of service; 4 CSR 240-33.070; 10/1/99
disputes; 4 CSR 240-33.080; 10/1/99
general provisions; 4 CSR 240-33.010; 10/1/99

inquiries; 4 CSR 240-33.060; 10/1/99
settlement agreements; 4 CSR 240-33.090; 10/1/99
variances; 4 CSR 240-33.100; 10/1/99

REAL ESTATE APPRAISERS

certification, licensure, nonresident; 4 CSR 245-4.050; 8/2/99, 11/15/99
expiration and renewal; 4 CSR 245-4.020; 8/2/99, 11/15/99
fees; 4 CSR 245-5.020; 8/2/99, 11/15/99
payment; 4 CSR 245-5.010; 8/2/99, 11/15/99
records; 4 CSR 245-8.040; 8/2/99, 11/15/99
requirements; 4 CSR 245-8.010; 8/2/99, 11/15/99

REAL ESTATE COMMISSION

advertising; 4 CSR 250-8.070; 2/15/00
agency disclosure; 4 CSR 250-8.095; 2/15/00
brokerage
 relationship confirmation; 4 CSR 250-8.096; 2/15/00
 relationship disclosure; 4 CSR 250-8.095; 2/15/00
 service agreements; 4 CSR 250-8.090; 2/15/00
broker supervision; 4 CSR 250-8.020; 2/15/00
disclosure form; 4 CSR 250-8.097; 2/15/00
management agreements; 4 CSR 250-8.210; 2/15/00
retention of records; 4 CSR 250-8.160; 2/15/00

RETIREMENT SYSTEMS

county employees' retirement fund
 certification of employment and salary; 16 CSR 50-2.050; 5/17/99, 8/16/99
 payroll contributions; 16 CSR 50-2.020; 7/1/99, 10/1/99
nonteacher school employee
 source of funds; 16 CSR 10-6.020; 1/3/00
public school retirement
 beneficiary; 16 CSR 10-5.030; 16 CSR 10-6.090; 9/15/99, 1/3/00
 cost of living adjustment; 16 CSR 10-5.055; 16 CSR 10-6.100; 9/15/99, 1/3/00
 disability retirement; 16 CSR 10-5.020; 9/15/99, 1/3/00
 membership service credit; 16 CSR 10-4.010; 16 CSR 10-6.040; 9/15/99, 1/3/00
 payment of funds; 16 CSR 10-3.010; 7/15/99, 11/1/99
 reinstatement, credit purchases; 16 CSR 10-4.014; 12/1/99
 nonteacher employee; 16 CSR 10-6.045; 12/1/99
 service retirement; 16 CSR 10-5.010, 16 CSR 10-6.060; 9/15/99, 1/3/00
 source of funds; 16 CSR 10-6.020; 7/15/99, 11/1/99

RESPIRATORY CARE, MISSOURI BOARD FOR

continuing education; 4 CSR 255-4.010; 2/1/00
fees; 4 CSR 255-1.040, 2/1/00
inactive status; 4 CSR 255-2.050, 2/1/00
license renewal; 4 CSR 255-2.040, 2/1/00
reinstatement; 4 CSR 255-2.060, 2/1/00
supervision of permit holders; 4 CSR 255-3.010, 2/1/00

REVENUE, DEPARTMENT OF

gifts to the state; 12 CSR 10-42.030; 7/15/99, 11/15/99

RURAL HEALTH CLINIC

provider based clinic; 13 CSR 70-94.020; 6/15/99, 10/15/99

SOCIAL WORKERS, STATE COMMITTEE FOR

competence; 4 CSR 263-3.140; 9/1/99, 12/15/99

SOLID WASTE MANAGEMENT

administrative penalty assessment; 10 CSR 80-2.040; 5/17/99, 10/15/99

district grants; 10 CSR 80-9.050; 1/14/00
financial assistance; 10 CSR 80-9.040; 1/14/99

SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

display of certificate; 4 CSR 150-4.125; 3/15/99
educational requirements; 4 CSR 150-4.105; 3/15/99
process for registration; 4 CSR 150-4.120; 3/15/99
renewal
 certificate of registration; 4 CSR 150-4.130; 3/15/99
scope of practice; 4 CSR 150-4.115; 3/15/99
supervision requirements; 4 CSR 150-4.110; 3/15/99

TAX COMMISSION, STATE

agricultural land productive values; 12 CSR 30-4.010; 2/1/00
forms; 12 CSR 30-1.030; 11/15/99
mediation of appeals; 12 CSR 30-3.085; 8/16/99; 12/1/99
private car companies; 12 CSR 30-2.017; 11/15/99
private railcar industry; 12 CSR 30-2.018; 11/15/99

TAX, CITY SALES, TRANSPORTATION

adjustment to decennial census; 12 CSR 10-11.200; 12/15/99
annexation; 12 CSR 10-11.230; 12/15/99
deductions; 12 CSR 10-5.035; 12/15/99
county tax applies; 12 CSR 10-11.090; 12/15/99
distribution of delinquent tax; 12 CSR 10-11.210; 12/15/99
effective date
 city sales tax; 12 CSR 10-5.015; 12/15/99
 county sales tax; 12 CSR 10-11.030; 12/15/99
 tax imposed; 12 CSR 10-5.020, 12 CSR 10-11.040; 12/15/99
 transfers; 12 CSR 10-5.105; 12/15/99
 transportation tax; 12 CSR 10-5.520; 12/15/99
erroneous business locations; 12 CSR 10-11.190; 12/15/99
filing of incorporation; 12 CSR 10-11.220; 12/15/99

TAX CREDIT

maternity homes; 13 CSR 40-80.010; 10/1/99

TAX, INCOME

determination of timeliness; 12 CSR 10-2.240; 11/1/99; 2/15/00
employers' withholding of tax; 12 CSR 10-2.015, 1/3/00
rate of interest; 12 CSR 10-41.010; 12/15/99

TAX, SALES/USE

advertising sales; 12 CSR 10-103.610; 2/1/00
boats and outboard motors; 12 CSR 10-103.360; 12/15/99
burden of proof; 12 CSR 10-101.500; 1/3/00
ceramic greenware molds; 12 CSR 10-3.318; 8/16/99, 12/1/99
computer software; 12 CSR 10-109.050; 12/15/99
concrete mixing trucks; 12 CSR 10-3.848; 8/16/99, 12/1/99
direct use; 12 CSR 10-3.326; 8/16/99, 12/1/99
drugs and medical equipment; 12 CSR 10-111.013; 11/1/99
exempt machinery; 12 CSR 10-3.327; 8/16/99, 12/1/99
farm machinery, equipment exemptions; 12 CSR 10-110.900, 1/3/00
food and beverages; 12 CSR 10-103.500; 12/15/99
government contractors; 12 CSR 10-112.300; 12/15/99
grains, seed, pesticides, herbicides, fertilizers; 12 CSR 10-110.920; 2/1/00
isolated or occasional sales; 12 CSR 10-103.200; 2/1/00
livestock; 12 CSR 10-110.910; 2/1/00
machinery and equipment exemptions; 12 CSR 10-111.010; 10/1/99, 2/1/00
material recovery, exemption; 12 CSR 10-111.060; 1/3/00
plant, new or expanded; 12 CSR 10-3.320; 8/16/99, 12/1/99

refunds and credits; 12 CSR 10-111.016 (changed to 12 CSR 10-110.016; 11/1/99, 2/15/00
replacement machinery, equipment; 12 CSR 10-3.316; 8/16/99, 12/1/99
retreading tires; 12 CSR 10-3.056; 8/16/99, 12/1/99
return required; 12 CSR 10-3.040; 1/14/00
rock quarries; 12 CSR 10-3.324; 8/16/99, 12/1/99
rulings; 12 CSR 10-3.003, 12 CSR 10-4.295; 8/16/99, 12/1/99
vending machines
 on owner's premises; 12 CSR 10-3.106; 8/16/99, 12/1/99
 premises other than owner; 12 CSR 10-3.108; 8/16/99, 12/1/99
veterinary transactions; 12 CSR 10-103.390; 12/15/99

TRAFFIC REGULATIONS

overdimension and overweight permits; 7 CSR 10-2.010; 6/1/99, 12/15/99

UNDERGROUND STORAGE TANKS

applications; 10 CSR 20-12.040; 5/3/99, 2/1/00
 review of; 10 CSR 20-12.045; 5/3/99, 2/1/00
claims, third-party; 10 CSR 20-12.062; 5/3/99, 2/1/00
closure and changes in service; 10 CSR 20-10.071; 5/3/99, 2/1/00
definitions; 10 CSR 20-12.010; 5/3/99, 2/1/00
 financial responsibility terms; 10 CSR 20-11.092; 5/3/99, 2/1/00
 technical regulations; 10 CSR 20-10.012; 5/3/99, 2/1/00
eligibility; 10 CSR 20-12.025; 5/3/99, 2/1/00
fees
 participation; 10 CSR 20-12.030; 5/3/99, 2/1/00
 petroleum transport load; 10 CSR 20-12.020; 5/3/99, 2/1/00
membership; 10 CSR 20-12.070; 5/3/99, 2/1/00
notification requirements; 10 CSR 20-10.022; 5/3/99, 2/1/00
penalty assessment protocol; 10 CSR 20-13.080; 5/17/99, 2/1/00
proof of integrity; 10 CSR 20-12.050; 5/3/99, 2/1/00
reimbursement; 10 CSR 20-12.060; 5/3/99, 2/1/00
 cleanup costs criteria; 10 CSR 20-12.061; 5/3/99, 2/1/00
risk-based clean-up levels; 10 CSR 20-10.068; 5/3/99, 2/1/00
sites with existing contamination; 10 CSR 20-12.080; 5/3/99, 2/1/00

VOTER APPLICATION AND FORMS

postcard form; 15 CSR 30-4.010; 10/1/99, 1/14/00

WATER PATROL, DIVISION OF

approval of aids; 11 CSR 80-5.010; 12/1/99
display of
 expiration stickers; 11 CSR 80-7.010; 2/1/00
 identification numbers; 11 CSR 80-4.010; 2/1/00
diver's flag; 11 CSR 80-2.010; 2/1/00
organization; 11 CSR 80-1.010; 2/1/00
reporting requirements; 11 CSR 80-6.010; 2/1/00
 cancellation or change of permit; 11 CSR 80-8.010; 2/1/00
ski jump; 11 CSR 80-3.020; /1/00
ski mirror; 11 CSR 80-3.010; /1/00

WATER QUALITY

effluent regulations; 10 CSR 20-7.015; 4/1/99, 10/1/99

WEIGHTS AND MEASURES

inspection of premises; 2 CSR 90-30.050; 5/17/99, 10/1/99
measuring devices; 2 CSR 90-30.080; 5/7/99, 10/1/99
service station
 auto and marine; 2 CSR 90-30.060; 5/7/99, 10/1/99
 unattended self-service; 2 CSR 90-30.070; 5/7/99, 10/1/99

tank trucks and tank wagons; 2 CSR 90-30.090; 5/7/99, 10/1/99
terminals; 2 CSR 90-30.100; 5/7/99, 10/1/99

WORKFORCE DEVELOPMENT

application; 4 CSR 195-5.020; 10/1/99
employee/trainee eligibility; 4 CSR 195-5.030; 10/1/99
purpose, business eligibility; 4 CSR 195-5.010; 10/1/99

The *official*
source of
information on
Missouri state
regulations



PUBLISHED SEMI-MONTHLY — \$56⁰⁰ PER YEAR

ORDER FORM

- ☐ Enclosed is my check for \$56 as payment in advance for one year of the *Missouri Register*
Please start my subscription with the _____ issue.
(Back issues are available to May 1976, Vol. 1, No. 1)
- ☐ Enclosed is my check for \$330 for the *Code of State Regulations*
- ☐ This is a subscription renewal

Please make checks payable to: **Director of Revenue**

Mail to: **Rebecca McDowell Cook**
Secretary of State
Administrative Rules Division
P.O. Box 1767
Jefferson City, MO 65102

name or firm (please type or print)

attn:

P.O. box number

street address

city

state

zip

BEFORE YOU MOVE

. . . please let us know!

To be sure that you do not miss any issues of your ***Missouri Register*** subscription, please notify us at least four weeks before you move to your new address.

1. Present address

Attach address label from a recent issue, or print name and address exactly as shown on the label.

Name

Address

City State Zip

2. Fill in new address

Name

Address

City State Zip

Rebecca McDowell Cook

Secretary of State

P.O. Box 1767

Jefferson City, MO 65102

Periodical Postage Paid at Jefferson City, MO
--